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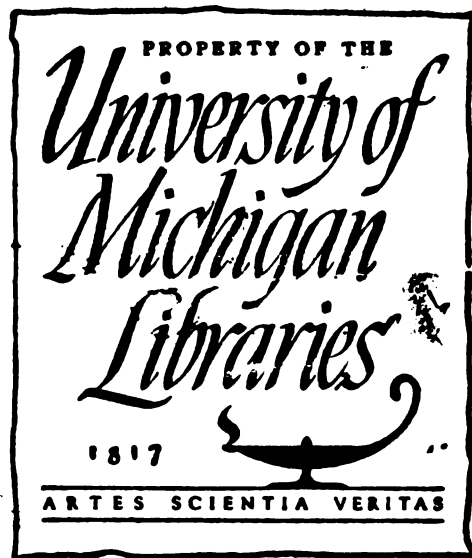
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BULLETIN

OF THE

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VOLUME III.—1898.

EDITED BY
CARROLL D. WRIGHT,
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OREN W. WEAVER,
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BULLETIN
OF THE
DEPARTMENT OF LABOR.

No. 14.

WASHINGTON.

JANUARY, 1898.

THE NEGROES OF FARMVILLE, VIRGINIA: A SOCIAL STUDY.

BY W. E. BURGHARDT DU BOIS, PH. D.

For many reasons it would appear that the time is ripe for undertaking a thorough study of the economic condition of the American Negro. Under the direction of the United States Commissioner of Labor the present study was made during July and August, 1897, as the first of a series of investigations of small, well-defined groups of Negroes in various parts of the country.

In this work there has been but the one object of ascertaining, with as near an approach to scientific accuracy as possible, the real condition of the Negro.

PRINCE EDWARD COUNTY.

Prince Edward County is a small irregular quadrangle of about 300 square miles, situated in the middle country of Virginia, between the Piedmont region and tide water, about 57 miles southwest of Richmond, and midway between Petersburg and Lynchburg. This county is thus near the geographical center of the State, and is also in the center of a district that produces seven-eighths of the tobacco crop of Virginia. The county seat is Farmville, a market town of 2,500 inhabitants, situated on the upper waters of the Appomattox.

This county has had an interesting history as regards its population. A century ago it had a population of 8,000, evenly divided between whites and blacks; to-day it has a population of over 14,000, but the increase is almost entirely among the blacks, the number of whites

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still remaining under 5,000. The following table shows the white and black population of the county at each census from 1790 to 1890:

POPULATION OF PRINCE EDWARD COUNTY, 1790 TO 1890.

Census, 1890.	Whites.	Slaves.	Free Negroes.	Total Negroes.	Total Population.
1790	4,062	3,966	72	4,038	8,100
1800	4,974	5,921	61	5,982	10,955
1810	5,264	6,966	149	7,115	12,409
1820	4,627	7,616	214	7,830	12,577
1830	5,059	8,591	475	9,066	14,107
1840	4,923	8,576	570	9,146	14,069
1850	4,177	7,192	488	7,680	11,857
1860	4,057	7,311	466	7,777	11,844
1870	4,166	.....	7,526	7,526	12,044
1880	4,754	.....	9,914	9,914	14,678
1890	4,779	.....	9,924	9,924	14,703

Of the total population of the county, less than one-third live in towns of 25 or more inhabitants, leaving the great mass of the people thoroughly rural and agricultural. Before the late war more than 75 per cent of the farms were of 100 acres or over, and were worked by gangs of from 10 to 50 slaves. (a) By 1870 these farms had become so broken up that nearly 40 per cent of them were less than 50 acres in size. Since then something of a reaction has taken place and more waste land brought under cultivation, so that in 1890 31 per cent of the farms were less than 50 acres in size.

The following table shows the number and per cent of farms in Prince Edward County, according to size, at each census from 1860 to 1890:

NUMBER AND PER CENT OF FARMS IN PRINCE EDWARD COUNTY, BY SIZE, 1860 TO 1890.

Size of farms.	1860.		1870.		1880.		1890.	
	Number.	Percent.	Number.	Percent.	Number.	Percent.	Number.	Percent.
Under 10 acres	6	1.23	23	3.75	34	3.23	65	5.93
10 or under 20 acres	45	9.21	49	7.90	132	14.44	118	10.77
20 or under 50 acres	79	14.37	104	20.75	161	15.20	159	14.51
50 or under 100 acres	318	65.30	232	37.85	472	44.82	505	46.08
100 or under 500 acres	40	9.45	23	3.75	73	6.93	67	6.11
500 or under 1,000 acres	2	.41	2	.33	14	1.33	11	1.00
1,000 acres or over	.....	.....	.....	.....	.....	.....	.....	.....
Total	487	100.00	613	100.00	1,033	100.00	1,090	100.00

At the same time tenants and métayers, who had a large part of the land in cultivation in 1870, have decreased from 1880 to 1890, so that over 70 per cent of the farms are now cultivated by their owners.

The following table, compiled from the United States census returns (report on agriculture), shows for the county the number of farms of

a There were 302 slaveholders in the county in 1860, holding 7,311 slaves. Of 1,280 were held in lots of from 1 to 9 by 303 owners, and the rest by 279 census of 1860.

various sizes cultivated by owners, rented for money, and rented on shares in 1880 and 1890:

TENURE OF FARMS IN PRINCE EDWARD COUNTY, 1880 AND 1890.

Size of farms.	Cultivated by owners.		Rented for money.		Rented on shares.	
	1880.	1890.	1880.	1890.	1880.	1890.
Under 10 acres.....	15	35	3	11	16	19
10 or under 20 acres.....	47	76	40	13	65	30
20 or under 50 acres.....	68	103	33	19	60	37
50 or under 100 acres.....	80	137	29	30	38	14
100 or under 500 acres.....	332	366	70	68	70	71
500 or under 1,000 acres.....	56	60	8	1	9	6
1,000 acres or over.....	9	8	4	1	1	2
Total.....	607	775	187	142	259	179
Per cent.....	57.64	70.71	17.76	12.96	24.60	16.33

Less than 2 per cent of these farms are encumbered, but the liens on crops amount to a considerable per cent each year.

Agriculture is the chief occupation of the inhabitants of the county, tobacco being the leading product. Corn, wheat, oats, and potatoes are also raised, together with dairy products and poultry. The following table shows the principal products of the county at each census, 1850 to 1890:

PRINCIPAL PRODUCTS OF PRINCE EDWARD COUNTY, 1850 TO 1890.

Products.	1850.	1860.	1870.	1880.	1890.
Tobacco.....pounds	2,571,850	4,231,797	960,700	2,462,326	1,633,830
Corn.....bushels	214,356	233,833	87,440	192,462	106,611
Wheat.....bushels	75,762	79,521	43,820	45,838	55,481
Oats.....bushels	87,229	122,126	67,445	59,870	43,050
Hay.....tons	487	151	288	1,100	2,513
Irish potatoes.....bushels	7,700	7,700	7,544	5,319	12,737
Sweet potatoes.....bushels	12,454	8,772	4,484	6,323	12,871
Butter.....pounds	47,932	67,288	51,791	56,350	133,511

In addition to this agricultural exhibit there is a little manufacturing (a), and there are three lines of railway crossing the county and bringing it into touch with the markets. (b)

The total assessed valuation of real estate and personal property in the county was \$2,397,007 in 1890, and on this was raised by taxation the sum of \$24,281, making a tax rate of \$10.13 per \$1,000 of valuation. The money raised was distributed as follows: To the State, \$7,192; to the county, \$7,191; to the towns, \$5,104; to the schools, \$4,794. (c)

a In 1890 there were 39 manufacturing establishments in the county, with a capital of \$113,285 and an annual output worth \$183,362.

b The Norfolk and Western, running east and west through Farmville, the Richmond and Danville, running north and south and crossing the southeastern part of the county, and a narrow-gauge road connecting Farmville and the James River.

c The county received \$8,343 as its share of the State school fund. It spent \$2,058 for charity and \$429 for roads and bridges. For schools it spent in all \$13,565, distributed as follows: Salaries for teachers, \$10,894; construction and care of buildings, \$770; libraries and apparatus, \$10; miscellaneous, \$1,891. The county has no debt. There were, in 1890, 20 paupers in the county almshouse, 4 white and 16 black. See Eleventh Census.

Turning to the Negroes of the county, we find that in 1895 the 9,924 Negroes therein owned 17,555 acres of land, which, together with buildings, was assessed at \$132,189. The whites of the county, in the same year, owned 202,962 acres, and the assessed value of their lands and buildings was \$1,064,180.

The following table, compiled from records in the county clerk's office at Farmville, shows the number of acres of land owned by Negroes in Prince Edward County and the assessed value of their land and buildings for each year from 1891 to 1895:

ACRES OF LAND OWNED BY NEGROES IN PRINCE EDWARD COUNTY AND ASSESSED VALUE OF LAND AND BUILDINGS, 1891 TO 1895.

Year.	Acres of land owned.	Assessed value of land and buildings.
1891.....	12, 215	\$83, 212. 48
1892.....	13, 207	89, 787. 75
1893.....	14, 754	97, 341. 53
1894.....	16, 467	105, 024. 48
1895.....	17, 555	132, 188. 06

Situated in the geographic center of an historic slave State, near the economic center of its greatest industry, tobacco culture, and also in the black belt of the State, i. e., in the region where a decided majority of the inhabitants are of Negro blood, Prince Edward County is peculiarly suited to an investigation into Negro development. The few available statistics serve to indicate how vast a revolution this region has passed through during the last century. They show the rise and fall of the plantation-slave system; the physical upheaval of war in a region where the last acts of the great civil war took place (*a*), and the moral and economic revolution of emancipation in a county where the slave property was worth at least \$2,500,000. They indicate, finally, the ensuing economic revolution brought about by impoverished lands, changes in the commercial demand for tobacco and the methods of handling it, the competition of the West in cereals and meat, the growing importance of manufactures which call workers to cities, and the social weight of a mass of ignorant freedmen.

The present study does not, however, concern itself with the whole county, but merely with the condition of the Negroes in its metropolis and county seat, Farmville, where its social, political, and industrial life centers, where its agricultural products are marketed, and where its development is best epitomized and expressed.

FARMVILLE.

Farmville is in the extreme northern part of Prince Edward County. It is thoroughly Virginian in character—easy-going, gossipy, and con-

a The operations in the Grant campaigns of 1864 and 1865 took place near and in Farmville, and Lee surrendered in a neighboring county.

servative, with respect for family traditions and landed property. It would hardly be called bustling, and yet it is a busy market town, with a long, low main street full of general stores, and branching streets with tobacco warehouses and tobacco factories, churches, and substantial dwellings. Of public buildings there is an opera house, a normal school for white girls, an armory, a court-house and jail, a bank, and a depot. The air is good, and there is an abundance of lithia and sulphur waters, which now and then attract visitors.

Farmville is the trading center of six counties. Here a large proportion of the tobacco of these counties is marketed, and some of it manufactured into strips; here are a half-dozen or more commission houses which deal in all sorts of agricultural products; and here, too, is the center for distributing agricultural implements, clothing, groceries, and household wares. On Saturday, the regular market day, the town population swells to nearly twice its normal size from the influx of country people—mostly Negroes—some in carriages, wagons, and ox carts, and some on foot, and a large amount of trading is done.

Naturally such a town in the midst of a large farming district has a great attraction for young countrymen, on account of its larger life and the prospect of better wages in its manufacturing and trading establishments. A steady influx of immigrants thus adds annually to the population of the town. At the same time Farmville boys and girls are attracted by the large city life of Richmond, Norfolk, Baltimore, and New York. In this manner Farmville acts as a sort of clearing house, taking the raw country lad from the farm to train in industrial life, and sending north and east more or less well equipped recruits for metropolitan life. This gives the town an atmosphere of change and unrest rather unusual in so small a place, and at the same time often acts as a check to schemes of permanent prosperity.

The population of Farmville has grown steadily since 1850. Since 1890, however, the Negro population appears to have fallen off—a fact due doubtless to the large emigration to Northern cities. The following table, compiled from files in the Census Office and from schedules, shows the white and black population of Farmville for each census year from 1850 to 1890 and the black population in 1897:

POPULATION OF FARMVILLE. 1850 TO 1897.

Year.	Whites.	Negroes.	Total.
1850.....	599	848	1,447
1860.....	683	853	1,536
1870.....	598	945	1,543
1880.....	872	1,186	2,058
1890.....	961	1,443	2,404
1897.....	(a)	b 1,350	(a)

a Not reported.

b There are possibly more omissions in an investigation of this sort than in a census, where the primary object is to count the population. No attempt was made in this investigation to reach servants living entirely in white families, and persons habitually absent, although calling Farmville their home, were omitted. Making all allowances, however, the Negro population seems to have fallen off.

In 1880 the population of Farmville district, including Farmville town, was 3,310, of whom 1,120 were whites and 2,190 blacks; and in 1890 the population of the district was 3,684, of whom 1,246 were whites and 2,438 blacks.

The chief industries of the town are: The selling of tobacco and its storage in warehouses, which is done by stock companies composed of Negro as well as white stockholders; the manufacture of tobacco into strips, carried on by 7 white firms in 16 tobacco factories; woodworking by the Farmville Manufacturing Company; coopering by a firm; fruit canning by the South Side Canning Company; grinding of feed by the Farmville mills, and the running of 57 retail stores, etc., divided as follows: Eight clothing stores, 12 grocery stores, 4 general stores, 4 commission merchants with stocks of harness and hardware, 4 drug stores, 3 dry-goods stores, 3 meat stores, 3 millinery stores, 2 restaurants, 2 book and stationery stores, 3 hardware stores, 2 furniture and undertaking stores, 1 jewelry store, 1 confectionery and toy store, 1 stove and tinware store, 1 wagon store, 1 steam laundry, and 2 saloons. (a)

The total valuation of the town for 1890 was \$661,230—real estate \$541,230, personal property \$120,000—on which a total tax of \$9,855 was raised, and distributed as follows: To the State \$1,983, to the county \$1,983, to the town \$3,906, to the State school fund \$661, and to the county and town school fund \$1,322. In 1880 the town had a debt of \$11,200, and in 1890 this had increased to \$65,000. The following table gives the assessed valuation of real estate and its division between whites and blacks in Farmville, as shown in the records at the county clerk's office, for the years 1891 to 1895:

ASSESSED VALUATION OF FARMVILLE REAL ESTATE. 1891 TO 1895.

Year.	Real estate owned by—				Total.	
	Whites.		Negroes.		Amount.	Per cent of increase.
	Amount.	Per cent of increase.	Amount.	Per cent of increase.		
1891.....	\$523,355		\$42,834		\$566,189	
1892.....	530,085	1.40	51,865	21.08	582,550	2.89
1893.....	543,610	2.44	62,765	1.74	596,375	2.37
1894.....	545,130	.28	53,840	1.09	598,470	.35
1895.....	525,205	a 3.66	51,240	a 3.94	576,445	a 3.68

a Decrease.

About three-fifths of the inhabitants of Farmville, August 1, 1897, were of Negro descent, and it is with this part of the population that this study has to do. The investigator spent the months of July and August in the town; he lived with the colored people, joined in their

a There was also a "bucket shop" in full blast during the summer of 1897, where considerable gambling in stock "futures" was indulged in.

social life, and visited their homes. (a) For the inquiry he prepared the following schedule of questions for each family and individual:

1. Number of persons in the family?
2. Relationship of this person to head of family?
3. Sex?
4. Age at nearest birthday?
5. Conjugal condition?
6. Place of birth?
7. Length of residence in Farmville?
8. Length of residence in this house?
9. Able to read?
10. Able to write?
11. Months in school during last year?
12. Usual occupations?
13. Usual wages per day, week, or month?
14. Weeks unemployed during year?
15. Mother of how many children (born living)?
16. Number of children now living?
17. Present whereabouts of such children?
18. Does the family own this home?
19. Do they own any land or houses?
20. Rent paid here per month?
21. Church attendance?

There was usually no difficulty experienced in getting the Negroes to answer these questions, so far as they could. The greatest uncertainty in the accuracy of answers was in connection with the first and fourth questions; the first on account of members of the family temporarily absent, and the fourth because in so many cases the age is unknown. Answers as to wages were of course more or less indefinite, although fairly good returns were obtained. The fifteenth question could be answered only when the mother herself was present, and then not always with sufficient accuracy. Only a few answers to this query were recorded. On the whole, the answers seem to approach the truth nearly enough to be of some considerable scientific value, although a large possible margin of error is admitted.

AGE, SEX, AND BIRTHPLACE OF NEGRO POPULATION.

The total number of Negroes in Farmville who reported as to age and sex was 1,225. If 250, estimated as not reporting, be added to this number, the total in and about Farmville is found to be about 1,475. Subtracting from this total 125 who lived outside the corporation, we find that the Negro population of the corporation of Farmville was approximately 1,350 in 1897. As the corporation line, however, cuts off somewhat arbitrarily a considerable number of Negroes who really share

a Letters of introduction and some personal acquaintances among the people rendered intercourse easy. The information gathered in the schedules was supplemented by conversations with townspeople and school teachers, by general observation, and by the records in the county clerk's office.

the group life of Farmville, they have been included in the total, except when otherwise stated. Twenty-five people whose residence in Farmville was for such indefinite periods as to make their citizenship questionable have been omitted; they have families here, but themselves work mostly in the North. About 75 servants, mostly young women living in white families as servants and having no other town homes, were not interrogated at all, and consequently are not accounted for in these returns. Their number and the number of those otherwise omitted are estimated and not actually counted.

Taking the Negroes of the Farmville group as shown in the table following, we find that there are 598 males and 627 females, or the proportion of 1,048 females to every 1,000 males (*a*). This is much above the general proportion for the United States (952.8 females to every 1,000 males), and even above the proportion in the North Atlantic States. This excess of females indicates a large emigration of males. The following table shows, by age periods, the number of Negroes of each sex from whom reports were obtained:

NUMBER OF NEGROES IN FARMVILLE FROM WHOM REPORTS WERE OBTAINED, BY AGE PERIODS AND SEX, 1897.

Age periods.	Males.	Females.	Total.
Under 1 year	12	12	24
1 to 9 years.....	127	150	277
10 to 19 years.....	182	147	329
20 to 29 years.....	87	101	188
30 to 39 years.....	53	67	120
40 to 49 years.....	47	55	102
50 to 59 years.....	44	52	96
60 to 69 years.....	23	24	47
70 to 79 years.....	14	15	29
80 to 89 years.....	3	3	6
90 to 99 years.....	1	.....	1
100 years or over	1	.....	1
Age unknown.....	4	1	5
Total.....	598	627	1,225

Considering the percentage in different age periods, it is interesting to bring the Negro population of Farmville into comparison with the colored population of the United States, the whole population of the United States, and the populations of various foreign countries. This comparison is made in the following table.

a The number of females in excess would be still larger if the omitted house servants were included. However, they are not in all, if in a majority of, cases citizens of Farmville, but have homes in the country. Those living in Farmville are perhaps balanced by other omissions.

THE NEGROES OF FARMVILLE, VIRGINIA.

9

PER CENT IN DIFFERENT AGE PERIODS OF NEGROES IN FARMVILLE AND OF TOTAL POPULATION IN VARIOUS COUNTRIES.

[The per cents for Farmville are computed from schedules; the others are taken from the United States census of 1890 and Mayo-Smith's Statistics and Sociology.]

Age periods.	Negroes of Farmville.	Colored population of the United States. (a)	Total population of the United States.	Population of—		
				Germany.	Ireland.	France.
Under 10 years	24.57	28.22	24.28	24.2	20.8	17.5
10 to 19 years	26.86	25.18	21.70	20.7	23.4	17.4
20 to 29 years	15.35	17.40	18.25	16.2	16.2	16.3
30 to 39 years	9.79	11.26	13.48	12.7	10.8	13.8
40 to 49 years	8.32	7.89	9.45	10.4	9.8	12.3
50 to 59 years	7.84	4.92	6.38	7.8	8.5	10.1
60 to 69 years	3.84	2.88	3.94	5.2	6.0	7.6
70 years or over	3.43	2.25	2.52	2.8	4.5	5.0
Total	100.00	100.00	100.00	100.0	100.0	100.0

a Persons of Negro descent, Chinese, Japanese, and civilized Indians.

Here again we have evidence of the emigration of persons in the twenties and thirties, leaving an excess of children and old people. This excess is not neutralized by the immigration from the country districts, because that immigration is apt to be of whole families—young, middle-aged, and old—rather than of young men and young women alone. The proportion of children under 15 is also increased by the habit which married couples and widowed persons have of going to cities to work and leaving their children with grandparents. This also accounts for the small proportion of colored children in a city like Philadelphia.

With regard to persons 35 or 40 years of age or over, there is undoubtedly considerable error in the age returns. They do not know their ages, and have no written record. In such cases the investigator generally endeavored, by careful questioning, to fix some date, like that of Lee's surrender, and find a coinciding event like marriage or the "half-task" child-labor period of life, to correspond.

There are 263 males of voting age and 512 children of the legal school age (5 to 20), or 367 of the usual school age (5 to 15). From the statistics of birthplace it is found that of the 1,225 Farmville Negroes 531, or 43 per cent, were born in the town; 750, or 61 per cent, in Prince Edward County, and 1,181, or 96 per cent, in the State. Of those born outside the State, 1 was born in Alabama, 4 in Georgia, 1 in Kansas, 2 in Massachusetts, 4 in New York, 4 in North Carolina, 1 in Tennessee, and 5 in West Virginia. Two came from the West Indies, and the birthplaces of 20 are unknown. The town population is thus shown to be a local concentration from neighboring country districts.

Of the 262 families of Negroes in the town, 202 reported as to length of residence there. Eight had resided there less than a year, 17 from one to five years, 35 from five to ten years, 45 from ten to twenty years, 61 from twenty to thirty-five years, and 36 thirty-five or more years. In other words, about one-half the population has moved into the town since 1880.

CONJUGAL CONDITION, BIRTHS, AND DEATHS.

In the table following, relating to the conjugal condition of the Negroes of this community, it is found that of the 351 males over 15 years of age who returned answers 147, or 41.9 per cent, were single; 178, or 50.7 per cent, were married, and 14, or 4 per cent, were widowed. The remaining 12, or 3.4 per cent, were in no case regularly divorced, but were permanently separated from their wives and have been so scheduled. Of the 392 women, 126, or 32.1 per cent, were single; 178, or 45.4 per cent, were married; 76, or 19.4 per cent, were widowed, and 12, or 3.1 per cent, were permanently separated.

CONJUGAL CONDITION, BY SEX AND AGE PERIODS.

Age periods.	Males.				Females.			
	Single.	Married.	Widowed.	Separated.	Single.	Married.	Widowed.	Separated.
15 to 19 years	79				71	3		
20 to 29 years	55	28		3	44	51	3	3
30 to 39 years	6	48		1	10	49	6	2
40 to 49 years	3	37	3	3		30	22	3
50 to 59 years	2	30	7	4		32	17	3
60 to 69 years	1	20	2			9	14	1
70 to 79 years		12	1	1		4	11	
80 to 89 years		3					3	
90 to 99 years		1						
100 years or over			1					
Unknown	1	1			1			
Total	147	178	14	12	126	178	76	12

The table following compares the conjugal condition of the Negroes in Farmville with the conjugal condition of the populations of various foreign countries. The table relates to persons 15 years of age or over.

CONJUGAL CONDITION OF THE NEGROES OF FARMVILLE AND OF THE POPULATIONS OF VARIOUS FOREIGN COUNTRIES, BY SEX.

[The per cents for Farmville are computed from schedules; those for foreign countries are taken from Mayo-Smith's Statistics and Sociology. The figures for divorced are not shown for the foreign countries.]

Civil division.	Per cent of males 15 years of age or over.			Per cent of females 15 years of age or over.		
	Single.	Married.	Widowed.	Single.	Married.	Widowed.
Farmville	41.9	50.7	a 7.4	32.1	45.4	a 22.5
France	36.0	56.5	7.5	30.0	55.3	14.7
Germany	40.9	53.7	5.3	36.5	50.8	12.4
Great Britain	39.5	54.9	5.6	37.3	50.9	11.8
Hungary	31.5	63.7	4.7	22.0	62.8	15.0
Ireland	40.3	44.8	5.9	43.5	42.1	14.4
Italy	40.9	53.1	6.0	33.2	53.2	13.6

a Including separated.

In the table following the conjugal condition of the Negro population of Farmville is compared with that of the entire population of the United States. Only persons 20 years of age or over are considered.

CONJUGAL CONDITION OF THE NEGROES OF FARMVILLE AND OF THE POPULATION OF THE UNITED STATES, BY SEX.

[The per cents for Farmville are computed from schedules; those for the United States are taken from the United States census of 1890.]

Civil division.	Per cent of males 20 years of age or over.				Per cent of females 20 years of age or over.			
	Single.	Married.	Widowed.	Divorced.	Single.	Married.	Widowed.	Divorced.
Farmville	25.00	65.44	5.15	a 4.41	17.30	55.03	23.90	a 3.77
United States:								
Native whites, native parents	28.54	66.08	4.74	b. 64	18.75	67.88	12.79	b. 58
Native whites, foreign parents	48.82	48.65	2.25	b. 28	34.83	58.76	6.02	b. 30
Foreign whites	28.06	65.93	5.51	b. 50	15.39	68.05	16.21	b. 35
Negroes	25.01	66.02	5.40	b. 57	15.71	65.02	18.41	b. 86
Total United States	30.95	63.83	4.65	b. 57	19.92	66.35	13.19	b. 54

a Separated.

b Including unknown.

Comparing the conditions in Farmville with the conditions in foreign lands and in the United States as shown in the tables immediately preceding, we find some very instructive indications. (a) In slavery days marriage or cohabitation was entered upon very early, and the first generation of freedmen did the same. The second generation, however, is postponing marriage largely for economic reasons, and is migrating to better its condition. Consequently we find, in a race young in civilization, that the percentage of single men over 15 would seem to be larger than in Great Britain, France, Germany, Hungary, or Italy, if the conditions in Farmville are generally true, and that the number of single women is larger than might be expected. This leads to two evils—illicit sexual intercourse and restricted influence of family life. When among any people a low inherited standard of sexual morals is coincident with an economic situation tending to prevent early marriage and to promote abnormal migrations to the irresponsibility and temptations of city life, then the inevitable result is prostitution and illegitimacy. Thus it is quite possible to see these evils increase among a people during a period when great general advance is being made. They are the evils inseparable from a transition period, and they will remain until the industrial situation becomes satisfactory, migration becomes normal, and moral standards become settled.

The records of births as kept by the county are far from complete, and therefore not to be relied upon. The birth rate among the Negroes is large, but apparently decreasing. The per cent of illegitimate births

a The numbers involved in the Farmville inquiry were of course very small, and conclusions from percentages computed from them must consequently be made with due reservation. It is not intended in this or similar cases to push comparisons too far, but in all cases the conclusions stated are borne out by general observation here and elsewhere as well as by the figures.

is, of course, still more difficult to determine. By careful inquiry it was ascertained that there were living in the town August 1, 1897, at least 44 illegitimate children under 10 years of age. The total number of children under 10 was 301, indicating, roughly, a rate of nearly 15 per cent of illegitimate births. Even this rate is, by universal testimony, a great improvement on conditions in the past.

The records of deaths in the town are better kept than those of births, but these, too, are probably incomplete. There were 33 deaths reported in Farmville in 1896, indicating a death rate of 13.5 per 1,000. This is too low, but the true death rate is not high. There is a large infant mortality, but otherwise the colored population seems fairly healthy. Their death rate, of course, exceeds that of the whites.

While facts bearing on miscegenation between whites and blacks are difficult to obtain and interpret, yet they are of interest. Of the 44 illegitimate children mentioned, 10 were, in all probability, children of white men; 4 of these belonged to one mother, who was openly known to be the concubine of a white man who had a white family; 2 of the children belonged to another mother, and there were four mothers each having 1 illegitimate child, making six mothers in all having such children. There is no doubt that this illicit intercourse has greatly decreased in recent years. Curiously enough, there are in the vicinity of the town two cases of intermarriage of colored men and white women, which are undisturbed, despite the law.

Some attempt was made to determine what proportion of the whole population was of mixed blood, but with only partial success. If, as is often assumed in such inquiries, all cases of intermingling were matters of a single generation, or of two, the investigation would be easier. But when a person is a descendant of people of mixed blood for four or five generations the matter becomes very difficult. A record was kept of the personal appearance of a majority of those Negroes of the town who were met by the investigator face to face. Of 705 Negroes thus met, 333 were apparently of unmixed Negro blood; 219 were brown in color and showed traces of white blood, and 153 were yellow or lighter, and showed considerable infusion of white blood. According to this, one-third to one-half the Negroes of the town are of mixed blood, and verifying this by observations on the street and in assemblies, this seemed a fair conclusion.

SCHOOLS AND ILLITERACY.

The town of Farmville has no school for colored children, but sends them to the district school just outside the corporation limits. The schoolhouse is a large, pleasantly situated frame building with five rooms. It has one male principal, and one male and three female assistants. It is not at present, if the general testimony of the townspeople is to be taken, a very successful school. It is practically ungraded, the teachers are not particularly well equipped, except in

one, possibly two, cases, and the school term is six months—September 15 to April 1. The teachers' salaries do not average over \$30 a month, which confines the competition for the school to residents of the town.

The average attendance at the school for the year ending in 1895 was 260.5; in 1896 it was 260, and in 1897 it was 269. (a) This is between 80 and 90 per cent of the registration. Of the 512 children in Farmville between the ages of 5 and 20, 239, or 46 per cent, were in school during the year ending in 1897. Of the 367 children between 5 and 15 years of age, 205, or 55.9 per cent, were in school. The following table shows the school attendance by age and sex:

SCHOOL ATTENDANCE, BY AGE AND SEX.

Age.	Males.		Females.	
	Popula- tion.	In school.	Popula- tion.	In school.
5 years.....	20	.....	22	1
6 years.....	8	1	17	4
7 years.....	13	4	19	8
8 years.....	13	5	21	18
9 years.....	16	11	13	11
10 years.....	23	16	15	10
11 years.....	14	11	10	7
12 years.....	29	21	18	15
13 years.....	22	17	7	5
14 years.....	15	13	23	15
15 years.....	19	9	10	8
Total.....	192	108	175	97
15 to 20 years.....	74	13	71	21
Grand total.....	266	121	246	118

Between the ages of 5 and 15 years the boys and girls attend school in about the same proportion; after that the boys largely drop out and go to work. As compared with the boys, a larger proportion of the girls receive some training above that of the common grades. The effect of child labor in housework and in the tobacco factories is easily traced in the figures as to the length of school attendance during the year. Of the 205 children from 5 to 15 years of age who attended school during the year 1896-97, only 52 per cent attended the full term of six months, 33 per cent attended half the term, and 11 per cent less than three months. Four per cent eked out the public school term by three or more months in private classes. The following table shows the length of school attendance of children from 5 to 15 years of age by sex:

LENGTH OF SCHOOL ATTENDANCE, BY SEX.

School attendance.	Males.	Females.	Total.
Under 3 months.....	11	11	22
3 months.....	39	29	68
6 months.....	55	52	107
9 months or over.....	3	5	8
Total.....	108	97	205

a From records in county superintendent's office, Prospect, Prince Edward County.
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Even so indifferent a school system has had its effect on the illiteracy of the town. Of the 908 people reporting, 42.5 per cent could read and write, 17.5 per cent could read but could not write, while 40 per cent were wholly illiterate. If we divide the population into four classes—those reared in slavery, those reared in time of war and reconstruction, those reared since 1867, and present youth—we can trace the steps of advance by the decreasing amount of illiteracy. Nevertheless, 23 per cent of the youths from 10 to 20 years of age are illiterate. The following table shows the degree of illiteracy by sex and age periods:

LITERATES AND ILLITERATES, BY SEX AND AGE PERIODS.

Sex and age periods.	Able to read and write.	Able to read.	Illiterate.	Not reported.	Total.
MALES.					
10 to 20 years.....	97	49	45	4	193
21 to 30 years.....	38	16	26	1	81
31 to 40 years.....	30	7	10		47
41 years or over.....	34	13	80	5	132
Age unknown.....	1	1	1	1	4
Total males.....	200	86	162	11	459
FEMALES.					
10 to 20 years.....	96	21	34	3	154
21 to 30 years.....	52	21	23	1	97
31 to 40 years.....	28	17	28		73
41 years or over.....	10	14	116		140
Age unknown.....				1	1
Total females.....	186	73	201	5	465
BOTH SEXES.					
10 to 20 years.....	193	70	79	7	349
21 to 30 years.....	90	37	49	2	178
31 to 40 years.....	58	24	38		120
41 years or over.....	44	27	196	5	272
Age unknown.....	1	1	1	2	5
Total, both sexes.....	386	159	363	16	924

Many of the Farmville boys and girls are attending various schools and academies away from home. Those most frequented, in order of popularity, are: Virginia Seminary, Lynchburg, a colored Baptist school; Virginia Normal and Collegiate Institute, Petersburg, a State school; Hartshorn Memorial College, Richmond, a school for girls; Hampton Institute, Hampton; Ingleside Seminary, Burkeville, a Presbyterian school.

One noticeable change in the later generations is that the excess of illiteracy which was formerly among the women is now among the men.

Naturally statistics of illiteracy which depend on voluntary information contain a degree of error. In the present case the least favorable construction was put on all doubtful or evasive answers, and the error is probably not larger than usual in such statistics.

OCCUPATIONS AND WAGES.

The opportunities for employment in Farmville explain much as to the present condition of its Negro citizens, as, for example, the migration from country to town and from town to city, the postponement of marriage, the ownership of property, and the general relations between whites and blacks. If we divide the total colored population above 10 years of age according to the popular classification of pursuits, we have in professional occupations, 22; in domestic, 287; in commercial, 45; in agricultural, 15; in industrial, 282; not engaged in gainful occupations, 259, and not reported, 14.

Using a different classification, we have those working on their own account, 36; laboring class, 350; house service, 92; day service, 149; at home, unoccupied, and dependent, 259; professional and clerical, 24, and not reported, 14. The following table shows in detail the occupations, classed by sex and age periods:

OCCUPATIONS, BY SEX AND AGE PERIODS.

Occupations.	10 to 15 years.	16 to 20 years.	21 to 30 years.	31 to 40 years.	41 years or over.	Age unknown.	Total.
MALES.							
Apprentices.....	2	2	1				5
Baker.....				1			1
Barbers.....	1	1	1	1	1		5
Blacksmiths.....					2		2
Brakeman.....					1		1
Bricklayers and plasterers.....				2	1		3
Brickmakers.....	1	6	6		1		14
Butchers.....			2		1		3
Cabinetmaker.....					1		1
Canning-factory employee.....	1						1
Carpenters.....			1	2	11		14
Clergymen.....				2	4		6
Clerk, Railway Mail Service.....				1			1
Coachmen.....			1	1			2
Coopers.....				1	3		4
Domestic servants.....	7	2	4	1	2		16
Farm laborers.....	1	1	1	1	9		13
Farmers.....		2					2
Firemen, stationary engine.....	1			2			3
Hostlers.....			2	2	1		5
Janitors.....					3		3
Laborers.....	11	9	9	4	25		58
Laundry proprietor.....				1			1
Mechanics, wood turning.....	1		2	5			10
Merchant, wood.....					1		1
Merchants, grocery.....			1	3			4
Painters.....					3		3
Peddlers, candy, etc.....			2		2		4
Porters.....	1	5	1	2	8		17
Restaurant keepers.....					2		2
Sawmill employees.....		1	1	1			3
Silversmith and clock repairer.....					1		1
Shoe makers and repairers.....					4		4
Teacher.....				1			1
Teamsters.....		1	1	2	7		11
Tobacco-factory employees.....	19	35	39	9	25	1	128
Walters.....		2	1				3
Wheelwright.....					1		1
Not reported.....	4		1		3	2	10
At home.....	14	3	2	1	5		25
At school (a).....	58	4	2	1			65
Total males.....	122	74	81	47	131	4	459

a Children who do nothing but attend school. Many of the children work at service or in the tobacco factories a part of the year and also attend school. Such children are here enumerated under their occupations, and not as school children.

OCCUPATIONS, BY SEX AND AGE PERIODS—Concluded.

Occupations.	10 to 15 years.	16 to 20 years.	21 to 30 years.	31 to 40 years.	41 years or over.	Age unknown.	Total.
FEMALES.							
Bookkeeper.....			1				1
Canning-factory employee.....					1		1
Day workers.....	4	11	9	5	4		33
Day workers and housewives.....		1	24	28	61		114
Domestic servants.....	6	18	27	6	8		65
Merchants, grocery.....			1	1			2
Nurses.....					2		2
Public cooks.....				1	1		2
Restaurant keeper.....					1		1
Seamstresses and housewives.....		1		4	5		10
Teachers.....		6	8	1			15
Tobacco-factory employees.....	1	8	4	3	7		23
Tobacco and canning factory employees and housewives.....		2	2	8	11		23
Not reported.....	2	1				1	4
Housewives.....		3	20	15	29		67
At home.....	16	6			12		34
At school (a).....	54	14					68
Total females.....	83	71	96	72	142	1	465
Total males and females.....	206	145	177	119	273	5	924

a Children who do nothing but attend school. Many of the children work at service or in the tobacco factories a part of the year and also attend school. Such children are here enumerated under their occupations, and not as school children.

In the table following the Negroes of Farmville are compared with the population of the United States as regards the percentage engaged in certain classes of gainful occupations. The United States census classifications are used.

PER CENT OF NEGROES OF FARMVILLE AND OF TOTAL POPULATION OF THE UNITED STATES AT WORK, ENGAGED IN EACH CLASS OF GAINFUL OCCUPATIONS.

[The figures for Farmville are from schedules; those for the United States are from the census of 1890.]

Classes of occupations.	Negroes of Farmville.				Per cent in the United States.
	Males.	Females.	Total.	Per cent.	
Agriculture.....	15		15	2.30	39.65
Professional service.....	7	15	22	3.38	4.15
Domestic and personal service.....	91	217	308	47.31	19.18
Trade and transportation.....	44	3	47	7.22	14.63
Manufactures and mechanical industries.....	202	57	259	39.79	22.39
Total.....	359	292	651	100.00	100.00

While the range of employment open to colored men is not large, that open to women is peculiarly restricted, so that most girls have only the choice between domestic service and housewifery. The different classes of employment are taken up in turn:

THE PROFESSIONS.—There are no colored physicians or lawyers in the town, preachers and teachers being the only representatives of the learned professions. The position of preacher is the most influential of all positions among the Negroes, and brings the largest degree of personal respect and social prestige. The two leading preachers in the town receive, the one \$480 and house rent; the other, \$600 a year. Both are graduates of theological seminaries and represent the younger

and more progressive element. They use good English and no scandal attaches to their private life, so far as the investigator could learn. Their influence is, on the whole, good, although they are not particularly spiritual guides, being rather social leaders or agents. Such men are slowly but surely crowding out the ignorant but picturesque and, in many particulars, impressive preacher of slavery days. Types of the latter are now to be found only in small churches, or in country districts where they care for two or three churches and receive salaries ranging from \$75 to \$300 a year.

The teacher stands next to the preacher in general esteem. An increasing number of these are now young women, and those in Farmville teach the schools of the surrounding country districts. The school terms are from four to six months, and in addition there is considerable private teaching done. The teachers earn from \$100 to \$250 a year by teaching, and sometimes they do other work during vacation.

THE ENTREPRENEURS.—The individual undertaker of business enterprise is a new figure among Negroes, and his rise deserves to be carefully watched, as it means much for the future of the race. The business enterprises in which Farmville Negroes are engaged on their own account are brickmaking, the grocery trade, barbering, restaurant keeping, furniture repairing, silversmithing and clock repairing, shoemaking, wood selling and whip making, steam laundering, contracting and building, painting, blacksmithing, wheelwrighting, hotel keeping, and farming, representing in all 32 separate enterprises conducted by 36 proprietors, and employing, besides, about 40 other persons.

The entire brickmaking business of Farmville and vicinity is in the hands of a colored man—a freedman, who bought his own and his family's freedom, purchased his master's estate, and eventually hired his master to work for him. He owns a thousand acres or more of land in Cumberland County and considerable Farmville property. In his brickyard he hires about 15 hands, mostly boys from 16 to 20 years of age, and runs five or six months a year, making from 200,000 to 300,000 brick. His men receive about \$12 a month, and extra pay for extra work. Probably over one-half the brick houses in and near Farmville are built of brick made in his establishment, and he has repeatedly driven white competitors out of business.

The grocery store, as kept by the Negro, is a comparatively new venture in Farmville, and is quite successful, although most of the stores are naturally small and unpretentious affairs. There are seven grocery stores in the town conducted by Negroes. Of these, three are flourishing and do a business of from \$50 to \$100 a week. The three proprietors of these stores have been in business from five to eight years, are property holders, have a good common-school training, and apparently possess good business judgment. Their wives generally help in the stores, and only occasionally do they hire clerks. Two other stores are newer than these, and are doing fairly well, with prospects of better

trade in future. They are kept by young men who got their capital by menial service in New York City. The proprietors of these five stores depend entirely on their business for support. The two other stores are conducted by women as side enterprises. They have only a small patronage. An eighth grocery store, not noted in the table of occupations, was started in August, 1897, during the progress of this investigation.

The barbering and restaurant businesses were the ones to which the freedmen most naturally turned after their training as house servants. On this account, they do not to-day enlist the best talent of the race, since they savor in some respect of the unpleasant past; yet they are still largely followed. The wealthiest Negro in the town is the leading barber, who is reported worth not far from \$10,000. There are five barber shops altogether—three for whites and two for blacks—and all run by Negroes. This is rather too many for the trade of the town, and one at least is being forced out. The income of barbers varies largely; probably from \$5 to \$15 a week would be the average. There are five proprietors, and generally five assistants, who receive from \$3 to \$5 a week. There are two restaurants which do a good business, especially on Saturdays, with the farmers. They employ about four persons besides the proprietors. There is also a lunch business done by one of the grocery stores.

Two blacksmiths and a wheelwright do a good business, sometimes taking in from \$5 to \$8 a day. There are also four shoe makers and repairers and two furniture repairers. A silversmith, who is a good workman, learned his trade of his former master, and is kept busy. There are three contractors—one in painting and two in small building jobs. A colored contractor on a larger scale resides temporarily in the town, but belongs in Richmond. He is building a fine country mansion for the leading white tobacco merchant of the place.

The only steam laundry in the county is conducted by two young colored men, brothers, who also own one in Richmond. The Farmville laundry employs five or six persons besides one of the brothers and his wife. It is equipped with the latest machinery, and the proprietors own the premises. They probably do a business of \$100 a week in summer.

The town jailor, a Negro, is also a wood merchant, whip maker, and farmer. He is assisted by his son, and owns, besides his farm, a pleasant home in town. The timely assistance of a son of his former master enabled him first to become a property holder. He is now educating his younger daughters at the seminary in Lynchburg. (*a*)

A new enterprise in the town is a bakery and hotel. It occupies a neat building on the main street, and is conducted by a Hampton grad-

a One of the shoemakers was also materially aided by his master. At the close of the war the master gave him the stock of leather and tools in the shop and never asked for pay. There are other cases of good will of this sort between ex-master and freedman.

nate and her husband. The bakery so far is the more successful part, but the hotel feature has a chance to grow.

FARMERS.—Most of the Negroes have given up farming for the industrial chances of the town. Of those living in town, three—the brickmaker, the wood merchant, and one of the barbers—own large and well-conducted farms. Besides this, nearly every family has a vegetable garden, sometimes of considerable size, from which produce is sold. Many factory hands hire out as farm laborers during the spring and summer; they receive from 35 to 50 cents a day and board, or, if they work by the month, from \$8 to \$10.

INDUSTRIES.—The industries in which Negroes are employed are tobacco manufacturing, cooperage, wood working, fruit canning, feed grinding, railroading, and brickmaking.

The chief and all-absorbing industry, and the one that characterizes the town, is that of preparing tobacco strips—an industry in which Farmville ranks among the first cities of Virginia. There are in all 16 factories for this industry in the town; two firms operate 4 each; one operates 3; one 2, and three other firms 1 each. These factories are large barnlike structures of wood, 3 or 4 stories high, with many windows.

The manufacture of tobacco strips consists in ridding the dry tobacco leaf of the woody stem. The loose tobacco is taken to the factory and placed on the floor of a room in piles, according to grade, style, and quality. Enough of a certain grade to make a hogshead of strips is then taken to another room and sprinkled and steamed, a little at a time. The bundles are then ready to be stemmed, as the leaves are supple and pliant. Women and young men, assisted by children who untie the bundles and place them in position, dextrously draw out the stems, and the children tie the strips thus left into uniform bundles. The bundles are then weighed, stretched on sticks, and hung up in the drying room for from eight to twelve hours. When thoroughly dried and cooled the tobacco is again steamed as it hangs, and then cooled for two days. Finally, it is steamed a third time in a steam box, straightened, and quickly packed in hogsheads. (a)

The women and young men who stem the tobacco get 50 cents for every hundred pounds of stemmed tobacco, and can, with the aid of children, stem from 100 to 300 pounds a day, thus earning from \$2.50 to \$9 a week or more, for from five to seven months in the year. Other women laborers receive 35 or 40 cents a day, while the men who prize, steam, and pack tobacco receive from 75 cents to \$1 a day for eight or nine months. The better classes of women do not like to work in the factories, and the surroundings are said to be unsuitable for girls. Many children are kept from school all or part of the time to enable them to help in this factory work. An adjunct to the tobacco business is the

^a See United States Census of 1880, Statistics of Agriculture, Report on Culture of and Curing Tobacco, p. 211.

making of hogsheads and tierces, in which colored coopers are employed. They earn from \$6 to \$8 a week for the major part of the year.

The "foundry," as it is called, formerly did some iron molding, but now is engaged in woodworking, chiefly the turning of plow handles. It employs ten colored and four white mechanics, and pays them from 75 cents to \$1 a day, without discrimination. The feed mills employ a few Negroes, and the Norfolk and Western and Farmville and Powhatan railways have colored section hands and brakemen. The section hands receive \$1 per day and the brakemen not much more. A canning establishment, which is at present canning tomatoes, employs many women and men. Women receive 2 cents a bucket for paring tomatoes, and can earn from 40 to 50 cents a day; men receive from 75 cents to \$1 a day.

THE TRADES.—Among the skilled trades Negroes are found as painters, shoemakers, cabinetmakers, coopers, blacksmiths, wheelwrights, brick masons, plasterers, carpenters, bakers, butchers, and whip makers. All of these have been alluded to before, save those in the building trades. There are 14 carpenters, 3 painters, and 3 masons who live in the town, besides several who live in the country and work in town. White and black mechanics are often seen working side by side on the same jobs, and get on without apparent friction, although there is some discrimination in wages. Colored carpenters get generally from 75 cents to \$1 per day, and painters and masons not over \$1. There are apparently more Negroes with trades than white men, but there is a dearth of young Negro apprentices, so that colored contractors often have to hire white mechanics.

CLERICAL WORK.—Very little clerical work of any kind is done by Negroes. There is one railway-mail clerk, who secured his position through civil-service examination. He has had one route for seven years. The wife of the laundry proprietor does his bookkeeping, and occasionally a temporary helper is needed in the colored grocery stores. Very often the colored porters in white business establishments do considerable clerical work; they are, however, paid as porters.

COMMON LABORERS.—There are 92 common laborers, including 17 porters and 3 janitors. The porters work in stores and commission houses, and are often old and trusted servants. They earn from \$8 to \$10 a month and board. Three laborers in the foundry receive 50 cents a day; 11 teamsters receive from 75 cents to \$1 a day; the other 58 laborers do odd jobs of all sorts, work now and then on farms or in the tobacco factories, do chores about private houses, drive cows, keep gardens, etc. They receive from 30 to 75 cents a day.

DOMESTIC SERVICE.—Twenty-two men and 65 women, among those who appear upon the schedules, and about 75 others, some of whom are residents of the town and some not, are wholly engaged in domestic service. The men receive from \$8 to \$10 a month. The women receive from \$1 to \$5, according to age and work; a general servant in an ordi-

aary family receiving \$4 a month; a nurse girl, from \$1 to \$3, and a cook, \$5. Besides this they get good board, fair lodging, much cast-off clothing, and not a little training in matters of household economy and taste.

There is considerable dissatisfaction over the state of domestic service. The Negroes are coming to regard the work as a relic of slavery and as degrading, and only enter it from sheer necessity, and then as a temporary makeshift. Parents hate to expose their sons to the early lessons of servility, which are thus learned, and their daughters to the ever-possible fate of concubinage. (a) Employers, on the other hand, find an increasing number of careless and impudent young people who neglect their work, and in some cases show vicious tendencies, and demoralize the children of the family. They pay low wages, partly because the Southern custom compels families, who ought to do their own work, to hire help, and they can not afford to pay much; partly, too, because they do not believe the service rendered is worth more. The servants, receiving less than they think they ought, are often careful to render as little for it as possible. They grow to despise the menial work they do, partly because their employers themselves despise it and teach their daughters to do the same.

This may not represent the open, conscious thought of the community, but it is the unconscious tendency of the present situation, which makes one species of honorable and necessary labor difficult to buy or sell without loss of self-respect on one side or the other. One result of this situation is the wholesale emigration of the better class of servants to the North, where they can earn three and often four times the wages for less work. At the same time one curious modification of the domestic-service system is slowly taking place, which may mean much in the future, and that is the fact that Negroes themselves are beginning to hire servants. Ten families among Farmville Negroes regularly hire one servant each, and several others have a woman to help occasionally. This system is, however, very different from the hiring of Negroes by whites. The employers in this case in no respect despise common labor or menial duties, because they themselves have performed such work all their lives. Their servant, too, is a neighbor's daughter, whom they know and like and treat practically as a member of the family. Thus there grows up a system very much like that in New England or in parts of Germany to-day, where housework is honored. At the same time, the Negro employers learn to sympathize with the complaints of the whites as to inefficient servants. In this way, possibly, the one circumstance which more than all others serves to ruin domestic service in the South may be modified, namely, the making of the term "Negro" and "servant" synonymous. Even to day

^a This is, of course, much more rare now than formerly, but nearly all present cases originated in the close contact of female servants with thoughtless or designing members of families.

the economic importance of the black population of Farmville has brought many white men to say "mister" to the preacher and teacher and to raise their hats to their wives.

DAY SERVICE.—Just as the field hand of slavery days developed into the métayer, so the house servant easily developed into the day worker. Thirty-three single women and 114 housewives go out regularly at day work in families or take family washing into their homes. The increased independence of the servant and the decreased responsibility of the employer make this a popular system. It is, however, poorly paid, being a subsidiary employment for most families; and in hard times, when the house servant would have to be retained, it is easy to cut off this sort of worker. Those who work in families are either paid like house servants, by the week, or if they work by the day, from 30 to 50 cents a day. Much neglect of their own household duties and of children, especially of growing girls, is a result of this absence of the mother from home. Those who take in washing receive from 50 to 75 cents for a family wash. The girls at the white normal school pay \$1.25 a month each for their washing. In this way many a Farmville mother helps her husband support the family, or during dull times keeps them all above want.

THE UNEMPLOYED.—A considerable number of idlers and loafers shows that the industrial situation in Farmville is not altogether satisfactory and that the moral tone of the Negroes has room for great betterment. One of the principal causes of idleness is the irregular employment. A really industrious man who desires work is apt to be thrown out of employment from one-third to one-half of the year by the shutting up of the tobacco factories, the brickyard, or the cannery. If he wants to get on in the world or accumulate property, he often finds that he must seek better wages and steadier employment elsewhere; or if he can not himself go, he sends a son or a daughter. Fully one-half, if not two-thirds, of the property owned by Negroes in the town has been paid for in large part with money earned outside the town. On the other hand, if the man be of only ordinary caliber he easily lapses into the habit of working part of the year and loafing the rest. This habit is especially pernicious for half-grown boys, and leads to much evil. Undoubtedly the present situation prolongs some of the evils of the slave system, and is the cause of much of that apparent laziness and irresponsibility for which so many Negroes are justly criticised. It is also true that larger, better, and steadier industrial opportunities in a town like Farmville would in time be able to counteract the tendency of youth to emigrate, would build up a faithful and efficient laboring community, and would pay good dividends to the projectors of new enterprises. The great demand is for steady employment which is not menial, at fair wages.

The women, too, demand enlarged industrial opportunities outside of domestic service, and of a kind compatible with decency and self-respect. They are on the whole more faithful and are becoming better

educated than the men, and they are capable of doing far better work than they have a chance to do. As it is they can only become servants, and if they must serve they prefer \$12 a month in New York to \$4 in Farmville. This explains the growing excess of colored women over colored men in many Northern cities.

However, besides all these willing workers, or those capable of training, there is undoubtedly in Farmville the usual substratum of loafers and semicriminals who will not work. There are probably five or six regular prostitutes, who ply their trade chiefly on Saturday nights. There are also some able-bodied men who gamble, and fish, and drink. Then there are the men who work, but who spend their time and money in company with the lowest classes. These people live in a few crowded tenements, easily distinguished, and are regarded by whites and blacks as beneath notice. Occasionally serious crime is perpetrated by this class, but their depredations are generally petty and annoying rather than dangerous. During 1896, 13 Negroes were indicted for serious crimes in the whole county; 4, for housebreaking, received sentences varying from six months in jail to four years in the penitentiary; 3, for petty larceny and assault, received a few months in jail; 2, for infanticide and attempted murder, received three and eight years, respectively, in the penitentiary; 3, for highway robbery, received from five to fifteen years in the penitentiary, and 1 received ten years for horse-stealing. (a) In the town some ten years since, there was one case of lynching for rape; but it is now generally conceded that the female was a lewd character, and that the black boy was guilty of no crime.

The slum elements of Farmville are as yet small in number, but they are destined to grow with the town. They receive recruits from the lazy, shiftless, and dissolute of the country around; they send them on to Washington, Philadelphia, and Baltimore as fit candidates for the worst criminal classes of those cities. The problem of Negro crime, therefore, is best studied and solved in towns of this size.

ECONOMICS OF THE FAMILY.

The question of the size of Negro families is important, but difficult to determine, on account of the varying meanings of the word "family." The economic family, i. e., those living together under conditions of family life, must obviously be the unit of a national census, but when it is used as the basis of a study of the fecundity of a certain part of the population the logic is dangerous. For this reason an attempt has been made to schedule the Negro families according to three conceptions of the word "family," viz:

1. The possible family, i. e., the parents and all children ever born to them living.

^a Three murder cases were tried in the county by change of venue. The majority of petty cases were tried by justices. See records in county clerk's office, Farmville.

2. The real family, i. e., the parents and all children living at present.^a

3. The economic family, i. e., all persons, related and unrelated, living in one home under conditions of family life.

Statistics of the possible family are not complete, partly on account of the difficulty of obtaining reliable answers and partly because this question was inserted in the schedules after the canvass had begun. The answers to the other questions are fairly full. The following table presents statistics of Negro families in Farmville:

NUMBER OF FAMILIES, BY SIZE.

Size of family.	The possible family.		The real family.		The economic family	
	Families.	Persons.	Families.	Persons.	Families.	Persons.
1 member					13	13
2 members	1	2	42	84	52	104
3 members	2	6	39	117	34	102
4 members	1	4	48	192	48	192
5 members	1	5	33	165	81	155
6 members	1	6	25	150	26	156
7 members			16	112	19	133
8 members			19	152	16	128
9 members			11	99	11	99
10 members	1	10	7	70	5	50
11 members	4	44	5	55	7	77
12 members	1	12				
13 members	3	39	2	26		
14 members			1	14		
15 members	1	15				
16 members	1	16				
17 members			1	17		
21 members	1	21				
25 members	1	25				
Total	19	205	249	1,253	262	a 1,209
Average		10.79		5.03		4.51

^a Not including 16 brickyard laborers, etc., who might be counted in families, but who have preferably been called "floating," so as not to disturb the economic statistics.

The small number of cases makes the figures for the possible family of value only as vaguely indicating the extreme limit of Negro reproduction which the large infant mortality and the preventive check to reproduction (late marriages) keep from realization. This method of inquiry rightly pursued might make an interesting comment on Malthusianism. The size of the real family comes nearest to being a true test of the fecundity of the race under present conditions, while the economic family shows the results of the present economic conditions. The economic family in Farmville is the complement of the Negro family in a city like Philadelphia, and these two families are very often but parts of one family; for married couples going North often leave their children in Farmville, and single persons live alone in cities and are counted as families of one, etc. In this way the continual migration complicates the question of the size of Negro families. Nevertheless, when all allowances are made, there is no doubt that the average Negro family in Farmville, in Virginia, and probably throughout the country is gradually decreasing in size. This is natural and salutary, and is due to-day not so much to a large death rate—for that is a factor which has always been reckoned upon and was undoubtedly more powerful

in the past than now—but to the comparatively sudden application of the preventive check to population, viz, late marriages. This view receives further confirmation if we compare various sizes of families among Farmville Negroes with the sizes of families in the whole United States and in the North Atlantic States. This comparison is shown in the following table:

PER CENT OF NEGRO FAMILIES OF FARMVILLE AND OF TOTAL FAMILIES OF THE UNITED STATES AND OF THE NORTH ATLANTIC STATES IN EACH GROUP, BY SIZE OF FAMILY.

[The figures for Farmville are from schedules; those for the United States are from the census of 1890.]

Size of family.	Negroes of Farmville.	United States.	North Atlantic States.
1 member.....	4.96	3.63	3.23
2 to 6 members.....	72.90	73.33	78.05
7 to 10 members.....	19.47	20.97	17.00
11 members or over.....	2.67	2.07	1.72

The houses which the 262 Negro families of Farmville occupy vary from 1 to 9 rooms each in size, but have generally 2 or 3 rooms. The following table gives the distribution of families by size of family and number of rooms to the dwellings they occupy:

FAMILIES, BY SIZE OF FAMILY, AND NUMBER OF ROOMS TO A DWELLING.

Size of family.	Families occupying dwellings of—								Total.
	1 room.	2 rooms.	3 rooms.	4 rooms.	5 rooms.	6 rooms.	7 rooms.	8 or 9 rooms.	
1 member.....	1	9	1	1		1			13
2 members.....	8	27	7	7	3				52
3 members.....	4	16	6	4	3	1			34
4 members.....		26	11	5	3	2		1	48
5 members.....	3	19	3	3		1	1	1	31
6 members.....	1	14	5	3	2		1		26
7 members.....		12	2	1	1	2		1	19
8 members.....		5	4	3	2		1		16
9 members.....		4	3	1	2			1	11
10 members.....		1	2		2				5
11 members.....		1	1	3	1	1			7
Total families.....	17	134	45	31	19	8	3	5	262
Total rooms.....	17	268	135	124	95	48	21	42	750

The one-room cabin is rapidly disappearing from the town. Nearly all the 17 one-room dwellings are old log cabins, although there are a few frame tenements of this size. Such houses have one or two windows, a door, and usually a stone fireplace. They are from 15 to 20 feet square. The 134 two-room homes are mostly tenements. A large cheaply built frame house is constructed so as to contain two such tenements. In such houses the kitchen, by a very sensible arrangement of the tenants, is usually upstairs and the living room on the first floor. The rooms are from 15 to 18 feet square and have two windows. The staircase in many instances is open, so that there is no way to shut off the upper room. Three-room houses are generally owned by their

occupants, and are neater and more tasteful than the tenements. They are usually tiny, new frame structures, with two rooms, one above the other, at the front, and a small one-story addition, for the kitchen, in the rear. To this a small veranda is often added. Four-room houses are similar, with a room above the kitchen, or are built similar to the double tenement houses. The large houses generally follow the plan of the old Virginia mansion, with a wide hall and rooms on either side in both stories. Few of the houses have cellars and many are poorly built. Nearly all, however, are in healthful locations, with good water near by and a garden spot.

Of the 262 families, 6.5 per cent occupied one-room homes; 51.1 per cent, two-room homes; 17.2 per cent, three-room homes; 11.8 per cent, four-room homes, and 13.4 per cent, homes of five or more rooms. On an average there were 1.61 persons to a room and 2.9 rooms to a family. There are about 240 separate houses occupied by Negroes.

Of the 262 families, 114, or 43.5 per cent, own the homes they occupy, and 148 families, or 56.5 per cent, rent. The following table shows the number of families owning and renting homes by size of dwellings:

FAMILIES OWNING AND RENTING HOMES, BY NUMBER OF ROOMS TO A DWELLING

Tenure.	Families occupying dwellings of—								Total families.
	1 room.	2 rooms.	3 rooms.	4 rooms.	5 rooms.	6 rooms.	7 rooms.	8 or 9 rooms.	
Owners	3	25	31	22	18	8	3	4	114
Renters	14	109	14	9	1	.....	.....	1	148
Total families.....	17	134	45	31	19	8	3	5	262

Of these 148 tenants, 15 rent from Negroes and 133 from whites. Several of the tenants own land. The rents paid by 83 typical tenants are reported in the following table, and from these the total annual rent charge of this community is estimated at about \$5,000:

RENTS PAID BY TYPICAL FAMILIES, BY NUMBER OF ROOMS TO A DWELLING.

Monthly rent.	Families occupying dwellings of—					Total families.	Annual rent paid.
	1 room.	2 rooms.	3 rooms.	4 rooms.	5 rooms or more.		
Free.....	.....	1	.....	.....	.....	1	.....
\$1.00.....	2	.....	.....	.....	.....	2	\$24
\$1.25.....	1	.....	.....	.....	.....	1	15
\$1.50.....	3	.....	1	.....	.....	4	72
\$2.00.....	1	9	1	.....	.....	11	264
\$2.50.....	.....	15	1	.....	.....	16	480
\$2.75.....	.....	1	.....	.....	.....	1	33
\$3.00.....	.....	38	5	.....	.....	43	1,548
\$3.50.....	.....	.....	1	3	.....	4	168
Total.....	7	64	9	3	.....	83	2,004
Not reported.....	7	45	5	6	2	65	a 2,266

a Estimated.

The total annual income of the 262 families is naturally very difficult to fix with accuracy. Written accounts are seldom kept, and many families could not answer if they would. However, wages do not vary much in the town, and by taking into account the usual wages received, the months employed during the year, the total wage earners in the family, and the general style of living, the accompanying estimate has been made, which seems to give a fair indication of the truth, although the possibility of error is considerable.

NUMBER OF FAMILIES, BY SIZE OF FAMILY AND ANNUAL INCOME.

Annual income.	Families of—									Total families.
	1 mem-ber.	2 mem-bera.	3 mem-bera.	4 mem-bera.	5 mem-bera.	6 mem-bera.	7 mem-bera.	8 mem-bera.	9 to 11 mem-bera.	
\$50 or less.....	3		1		1					5
\$50 to \$75.....	5	4	1	1						11
\$75 to \$100.....	1	6		3		1				11
\$100 to \$150.....	1	7	6		2	2	1			19
\$150 to \$200.....		8	4	5	4	3	3	2		29
\$200 to \$250.....	1	14	5	9	3	4	2		2	40
\$250 to \$350.....		10	7	12	5	7	6	1	5	53
\$350 to \$500.....		1	7	13	7	1	4	5	6	44
\$500 to \$750.....		2	1	3		7	3	8	5	35
\$750 or over.....					1				5	6
Not reported.....	2		2	2	2	1				9
Total families.....	13	52	34	48	31	26	19	16	23	262

Such figures are better understood when they are read in connection with figures as to the cost and scale of living in the community. The following price list of commodities usually bought by Negroes is therefore presented. The data were furnished by colored grocers.

PRICES OF COMMODITIES AT FARMVILLE.

Article.	Unit.	Price.	Article.	Unit.	Price.
Food, etc.:			Food, etc.—Concluded.		
Fresh pork.....	Pound..	\$0.08	Butter.....	Pound..	\$0.12½ to \$0.25
Pork steak.....	Pound..	\$0.08 to .10	Salt.....	Pound..	.01
Beefsteak.....	Pound..	.08 to .10	Herrings.....	Each..	.01
Ham and bacon.....	Pound..	.08 to .10	Eggs.....	Dozen..	.10 to .12
Chickens.....	Each..	.12½ to .15	Apples.....	Peck..	.05 to .25
Hens.....	Each..	.20 to .25	Apples, dried.....	Pound..	.03
Turkeys.....	Pound..	.07	Watermelons.....	Each..	.01 to .20
Wheat flour.....	12-pound bag.	.35	Pepper.....	Pound..	.15
Wheat flour.....	Barrel..	4.00 to 4.50	Milk.....	Quart..	.08
Corn meal.....	Peck..	.11 to .12	Buttermilk.....	Gallon..	.10
Rice.....	Pound..	.05 to .08	Soap.....	Cake..	.05
Cabbage.....	Head..	.01 to .08	Starch.....	Pound..	.05
Potatoes.....	Bushel..	.50 to .60	Fuel and lighting:		
Green corn.....	Ear..	.01	Wood, uncut.....	Cord..	2.00
Tomatoes.....	Gallon..	.05	Wood, cut.....	Cord..	2.50
Peas.....	Quart..	.05	Coal, bituminous.....	Ton..	4.50
Beans.....	Quart..	.05	Coal, anthracite.....	Ton..	7.50
Canned goods.....	Can..	.08 to .10	Kerosene oil.....	Gallon..	.15
Tea.....	Pound..	.40	Clothing:		
Coffee.....	Pound..	.15 to .18	Men's suits.....	Each..	7.00 to 12.00
Sugar.....	Pound..	.05 to .06	Boys' suits.....	Each..	2.00 to 5.00
Lard.....	Pound..	.07 to .08	Women's dresses.....	Each..	3.00 to 8.00

In this connection the following budgets, estimated by the three leading colored grocers of Farmville, are also given. The budgets relate to the yearly incomes and expenditures of three families, each consisting of 5 persons.

ESTIMATED ANNUAL INCOME AND EXPENDITURE OF FAMILY OF 5 PERSONS IN MODERATE CIRCUMSTANCES.

Income.		Expenditure.	
Items.	Amount.	Items.	Amount.
Head of family: 24 weeks' labor in tobacco factory, at 75 cents per day.....	\$108. 00	Food per week: 1 bag flour, 35 cents; 3 pounds meat, 25 cents; 3 pounds sugar, 18 cents; 1 pound coffee, 15 cents; 8 pounds lard, 25 cents; soap, etc., 8 cents; starch, 8 cents; milk, butter, eggs, and vegetables, 80 cents. 52 weeks, at \$1.64 per week.....	\$85. 28
16 weeks' labor on farm, at 40 cents per day.....	38. 40	Fuel and lighting: 1 load of wood per week for 20 weeks and 1½ loads per week for 82 weeks, at 40 cents per load, \$27.20; oil, etc., 52 weeks, at 10 cents per week, \$5.20.....	32. 40
Housewife: 50 weeks' labor on three family washings, at \$1.50 per week.....	75. 00	Clothing.....	50. 00
		Rent.....	36. 00
		Miscellaneous.....	15. 00
		Total.....	218. 68
		Surplus.....	2. 72
Total.....	221. 40	Total.....	221. 40

ESTIMATED ANNUAL INCOME AND EXPENDITURE OF FAMILY OF 5 PERSONS IN POOR CIRCUMSTANCES.

Income.		Expenditure.	
Items.	Amount.	Items.	Amount.
Head of family: 24 weeks of common labor, at 50 cents per day.....	\$72. 00	Food, 52 weeks, at \$1.50 to \$2 per week..	\$91. 00
Odd jobs.....	30. 00	Fuel and lighting, 52 weeks, at 40 cents to 50 cents per week.....	23. 40
Housewife: 20 weeks' work in canning factory, at 40 cents per day.....	48. 00	Clothing: 1 suit, 2 pairs of pants, and 2 pairs of shoes, for man, \$12; clothes for woman, \$9; clothes for children, \$4.	25. 00
Boy: 12 months in service, at \$2 per month.....	24. 00	Rent.....	24. 00
		Miscellaneous.....	10. 00
		Total.....	173. 40
		Surplus.....	. 60
Total.....	174. 00	Total.....	174. 00

ESTIMATED ANNUAL INCOME AND EXPENDITURE OF FAMILY OF 5 PERSONS OWNING HOME AND IN MODERATE CIRCUMSTANCES.

Income.		Expenditure.	
Items.	Amount.	Items.	Amount.
Head of family: 32 weeks' work as carpenter, at 75 cents per day.....	\$144. 00	Food per week: Flour, 30 cents; meal, 12 cents; sugar, 12 cents; coffee, 15 cents; lard, 18 cents; meat, 50 cents; soap, 5 cents; butter, 10 cents; mis- cellaneous, 50 cents. 52 weeks, at \$2 to \$2.50 per week.....	\$117. 00
Housewife and boy: 20 weeks' work as stemmers in tobacco factory, at \$7 per week..	140. 00	Fuel.....	30. 00
		Clothing.....	60. 00
		Taxes.....	8. 00
		Miscellaneous.....	30. 00
		Total.....	215. 00
		Surplus.....	39. 00
Total.....	284. 00	Total.....	284. 00

These budgets are not the actual written accounts of particular families, because it is difficult in an unlettered community to obtain such accounts, but are based, as mentioned above, on the estimates of the three leading colored grocers, and represent the accounts of various families who trade at their stores. As such they possess considerable value. In the light of these budgets, and from actual observation, the

investigator has concluded that of the 262 families, about 29 live in poverty with less than suffices for ordinary comfort, 128 are in moderate circumstances, 63 are comfortable, and 42 well-to do according to the standard of the town.

With fairly steady employment, and perhaps the aid of a grown son or daughter, an ordinary colored family finds it possible to buy a lot for from \$50 to \$100, and build a three-room house thereon at a cost of from \$300 to \$500. A building association composed of both colored and white shareholders, but largely conducted by the whites, has greatly facilitated the buying of property by Negroes. Ex-masters and white friends also have often helped. On the other hand, there have been flagrant cases of cheating the ignorant freedmen, and sometimes of making them pay twice for the same land.

The following detailed list of actual Negro taxpayers in the town in 1895, with their holdings, will best illustrate the division of property among them. Some changes have occurred since 1895, but not enough to make material difference.

ASSESSED VALUATION OF REAL ESTATE OWNED BY NEGROES WITHIN THE CORPORATION OF FARMVILLE, 1895.

Tax-payer number.	Assessed valuation.			Tax-payer number.	Assessed valuation.			Tax-payer number.	Assessed valuation.		
	Lots.	Build-ings.	Total.		Lots.	Build-ings.	Total.		Lots.	Build-ings.	Total.
1.....	\$25		\$25	41.....	\$50	\$200	\$250	81....	\$100	\$300	\$400
2.....	50		50	42.....	100	200	300	82....	100	300	400
3.....	50		50	43.....	100	200	300	83....	100	300	400
4.....	50		50	44.....	100	200	300	84....	100	300	400
5.....	50		50	45.....	100	200	300	85....	50	450	500
6.....	75		75	46.....	100	200	300	86....	100	400	500
7.....	75		75	47.....	100	200	300	87....	200	300	500
8.....	75		75	48.....	100	200	300	88....	200	300	500
9.....	75		75	49.....	100	200	300	89....	100	400	500
10.....	75		75	50.....	100	200	300	90....	100	400	500
11.....	40	\$80	100	51.....	100	200	300	91....	50	450	500
12.....	50	50	100	52.....	100	200	300	92....	200	300	500
13.....	100		100	53.....	100	200	300	93....	200	300	500
14.....	100		100	54.....	100	200	300	94....	100	400	500
15.....	100		100	55.....	100	200	300	95....	100	400	500
16.....	125		125	56.....	100	200	300	96....	100	400	500
17.....	140		140	57.....	100	200	300	97....	150	350	500
18.....	50	100	150	58.....	100	200	300	98....	100	400	500
19.....	50	100	150	59.....	100	200	300	99....	150	400	550
20.....	150		150	60.....	50	250	300	100....	100	500	600
21.....	75	100	175	61.....	100	200	300	101....	100	500	600
22.....	50	150	200	62.....	100	250	350	102....	200	400	600
23.....	100	100	200	63.....	100	250	350	103....	100	500	600
24.....	100	100	200	64.....	100	250	350	104....	200	400	600
25.....	50	150	200	65.....	150	200	350	105....	250	350	600
26.....	100	100	200	66.....	50	300	350	106....	150	500	650
27.....	100	100	200	67.....	50	300	350	107....	200	500	700
28.....	50	150	200	68.....	150	200	350	108....	150	550	700
29.....	100	100	200	69.....	75	300	375	109....	200	600	800
30.....	50	150	200	70.....	150	250	400	110....	200	600	800
31.....	100	100	200	71.....	100	300	400	111....	100	700	800
32.....	100	100	200	72.....	200	200	400	112....	200	700	900
33.....	125	125	250	73.....	100	300	400	113....	200	800	1,000
34.....	50	200	250	74.....	100	300	400	114....	200	800	1,000
35.....	50	200	250	75.....	100	300	400	115....	200	1,200	1,400
36.....	100	150	250	76.....	100	300	400	116....	400	1,100	1,500
37.....	50	200	250	77.....	100	300	400	117....	150	1,400	1,550
38.....	50	200	250	78.....	100	300	400	118....	200	1,600	1,800
39.....	100	150	250	79.....	100	300	400	119....	1,500	1,300	2,800
40.....	50	200	250	80.....	100	300	400				

While the above table seems to show but 119 taxpayers, there were in reality 124 individual property holders among the Negroes, two or more in some cases holding a single piece of property.

Among the whites there were 232 holders of real estate. The largest assessed valuation placed upon real estate held by any one Negro of the town was \$2,800; by any one white, \$16,000. Seventy-seven whites owned \$2,500 or more worth of real estate each.

In addition to the Negro realty holders in the town of Farmville, there were in the district of Farmville a considerable number of landowners, chiefly farmers. The detailed list of these shown in the statement following gives some idea of the size of farms held by Negroes in the surrounding county districts. Those owning lots from one-eighth to one-half of an acre in size live near town and are included in the general totals of this study, but not in the table above.

ASSESSED VALUATION OF REAL ESTATE OWNED BY NEGROES IN FARMVILLE DISTRICT, EXCLUSIVE OF THE TOWN OF FARMVILLE, 1895. (a)

Taxpayer number.	Acres owned.	Assessed valuation.			Taxpayer number.	Acres owned.	Assessed valuation.		
		Land.	Buildings.	Total.			Land.	Buildings.	Total.
1	0.50	\$20		\$20	54	14.00	\$110	\$30	\$140
2	5.00	25		25	55	.25	50	100	150
3	.13	25		25	56	2.00	100	50	150
4	3.00	30		30	57	13.00	78	80	158
5	8.00	15	\$25	40	58	12.00	80	100	180
6	4.00	40		40	59	5.00	75	115	190
7	5.00	15	25	40	60	.25	100	100	200
8	5.00	15	25	40	61	20.00	150	50	200
9	1.00	40		40	62	.50	100	100	200
10	5.25	17	25	42	63	.50	100	100	200
11	5.25	17	25	42	64	.25	100	100	200
12	4.50	20	25	45	65	.50	100	100	200
13	3.80	20	25	45	66	.50	100	100	200
14	4.50	45		45	67	.25	100	100	200
15	.25	20	30	50	68	35.50	163	50	213
16	6.50	25	25	50	69	24.00	90	150	240
17	(b)	50		50	70	50.00	225	25	250
18	.50	50		50	71	.50	50	200	250
19	5.00	25	25	50	72	.25	50	200	250
20	3.00	26	25	51	73	.13	50	200	250
21	7.00	31	25	56	74	.50	50	200	250
22	1.50	60		60	75	50.00	250		250
23	1.50	60		60	76	6.00	70	200	270
24	10.00	60		60	77	.50	50	250	300
25	13.25	41	25	66	78	40.00	260	40	300
26	2.00	20	50	70	79	20.00	150	150	300
27	(b)	75		75	80	30.25	253	50	303
28	1.00	25	50	75	81	44.00	58	250	308
29	10.00	30	50	80	82	52.00	212	100	312
30	2.00	80		80	83	10.00	100	250	350
31	2.00	50	30	80	84	10.00	70	300	370
32	8.00	80		80	85	55.00	185	200	385
33	16.00	87		87	86	39.00	270	120	390
34	3.00	65	25	90	87	.25	100	300	400
35	0.50	45	50	95	88	.13	100	300	400
36	12.50	100		100	89	40.00	200	200	400
37	.25	50	50	100	90	.50	50	350	400
38	.25	100		100	91	.25	200	200	400
39	1.00	100		100	92	.50	200	200	400
40	1.00	100		100	93	100.00	350	50	400
41	(b)	100		100	94	1.00	50	350	400
42	(b)	100		100	95	1.00	50	350	400
43	10.00	75	25	100	96	.50	100	350	450
44	9.50	75	25	100	97	1.00	100	350	450
45	10.00	50	50	100	98	.13	50	450	500
46	10.00	50	50	100	99	.13	50	450	500
47	.50	50	50	100	100	.25	200	300	500
48	1.00	40	60	100	101	110.00	585	75	660
49	.25	100		100	102	57.88	502	250	752
50	10.50	80	25	105	103	139.00	534	300	834
51	23.33	82	25	107	104	121.00	1,536	400	1,936
52	10.00	125		125	105	8.50	890	1,850	2,740
53	12.50	125		125					

a The county is divided into several districts, one of which is called Farmville district; a small part of this district is incorporated and called the town of Farmville.

b Not reported.

A SIDE LIGHT: ISRAEL HILL.

By the will of John Randolph, of Roanoke, his slaves were emancipated at his death in 1833. By a similar act on the part of another member of the Randolph family a number of slaves were emancipated and given a tract of land in the district of Farmville called Israel Hill, and situated about 2 miles west of the town. The descendants of these slaves still live here, and their peculiar situation together with the smallness of this farming community makes a brief study of its conditions valuable for the light it throws on Farmville conditions.

In this community many disturbing factors in Negro development are eliminated. Race antagonism is in its lowest terms, because there is but one white family near the community. The land question is partly settled, because nearly all the farmers own their land. One economic problem, however, remains unsettled, and that is the problem of sufficient paying employment for men and women. This economic demand, and its attempted settlement by wholesale emigration to a neighboring industrial center, receives curious illustration in the case of Israel Hill and Farmville.

August 1, 1897, Israel Hill had a population of 123 inhabitants. The numbers are too small to warrant positive conclusions, and yet it is noticeable what a gap the emigration of the young men and women has left. Only a fourth of the total population reporting as to age are between the ages of 20 and 50, although under normal conditions this part of a community is about 40 per cent of the whole. The accompanying table gives in detail the population of Israel Hill, by sex and age periods:

POPULATION OF ISRAEL HILL, BY SEX AND AGE PERIODS.

Age periods.	Males.	Females.	Total.
1 to 9 years.....	14	11	25
10 to 19 years.....	12	9	21
20 to 29 years.....	11	2	13
30 to 39 years.....	.....	3	3
40 to 49 years.....	3	6	9
50 to 59 years.....	5	12	17
60 to 69 years.....	3	2	5
70 to 79 years.....	2	.....	2
80 to 89 years.....	2	1	3
Not reported.....	12	13	25
Total.....	64	59	123

The economic stress is also exemplified in the conjugal condition of the group. Only one per cent of those 20 years of age and over are married. Of those 20 years of age and over, who are 20 years of age, two-fifths are married, and the remainder are unmarried. The following table gives in detail, by sex and age period,

CONJUGAL CONDITION OF POPULATION OF ISRAEL HILL, BY SEX AND AGE PERIODS.

Age periods.	Males.				Females.				Total.
	Single.	Married.	Widowed.	Not reported.	Single.	Married.	Widowed.	Not reported.	
20 to 29 years.....	10	1			2				13
30 to 39 years.....						3			3
40 to 49 years.....		3			2	3	1		9
50 to 59 years.....		5				8	4		17
60 to 69 years.....		3				1	1		5
70 years or over.....		2	2			1			5
Not reported.....				12				13	25
Total.....	10	14	2	12	4	16	6	13	77

Regarding the conditions as to illiteracy, shown in detail in the table following, we find that 32, or 43 per cent, of those over 10 years of age who reported are wholly illiterate; 10, or 14 per cent, can read, and 32, or 43 per cent, can read and write:

LITERATES AND ILLITERATES OF POPULATION OF ISRAEL HILL, BY SEX AND AGE PERIODS.

Age periods.	Males.					Females.				
	Able to read and write.	Able to read.	Illiterate.	Not reported.	Total.	Able to read and write.	Able to read.	Illiterate.	Not reported.	Total.
10 to 20 years.....	6	4	4		14	5	2	2		9
21 to 30 years.....	7		2		9		1	1		2
31 to 40 years.....						2		2		4
41 years or over.....	11	1	3		15	1	2	18		21
Not reported.....				12	12				13	13
Total.....	24	5	9	12	50	8	5	23	13	49

There is a small schoolhouse in the midst of the settlement where a Farmville teacher holds a session of about five months each year. Of the 36 children between 5 and 20 years of age, 16 attended school; of those between 5 and 15 years old, 14 attended school. Of the children under 10 years of age, 3 were illegitimate. The following table gives the school attendance in detail:

SCHOOL ATTENDANCE AT ISRAEL HILL, BY SEX AND AGE PERIODS.

Age periods.	Males.		Females.	
	Population.	In school.	Population.	In school.
5 to 10 years.....	10	4	6	3
11 to 15 years.....	7	4	5	3
16 to 20 years.....	6		2	2
Total.....	23	8	13	8

The men are mostly employed at farming or in the tobacco factories of Farmville, whither they can walk each day. The women are generally engaged in housework and farming; a few are at service and in the Farmville tobacco factories. The question of employment is a

serious one here. Farming alone on the small, impoverished farms, far from a market, does not at present pay. If, however, one can follow it as a side occupation and earn fair wages at something else he can live prosperously. Thus the carpenters and masons are in a flourishing condition, with neat, new frame houses and decent-looking farms. The factory hands and those who have grown children working at service in the North or elsewhere do next best. The rest, however, have a hard time scratching sustenance from the earth and living in the same ancient one-room cabins in which their fathers lived. The following table gives the occupations in detail, by sex and age periods:

OCCUPATIONS OF POPULATION OF ISRAEL HILL, BY SEX AND AGE PERIODS.

Occupations.	11 to 15 years.	16 to 20 years.	21 to 30 years.	31 to 40 years.	41 years or over.	Age unknown.	Total.
MALES.							
Brick mason					1		1
Carpenters					3		3
Farm laborers	2	2	4		3		11
Farmers			1		5		6
Laborer	1						1
Tobacco-factory employees		4	3		1		8
Waiter			1				1
Not reported						12	12
At home	1				2		3
At school	3						3
Total males	7	6	9		15	12	49
FEMALES.							
Day worker					1		1
Domestic servants	1			1			2
Farmers					4		4
Housewives and at work					2		2
Tobacco-factory employees	1		2				3
Not reported						13	13
Housewives				2	11		13
At home					3		3
At school	3	2					5
Total females	5	2	2	3	21	13	46
Total males and females	12	8	11	3	36	25	95

Some newcomers have disturbed the calm of this sleepy village. Of the 98 inhabitants of Israel Hill who reported their place of birth, 57 persons, or 58 per cent, were born in the settlement, 11 persons were born in Prince Edward County outside of Israel Hill, and all of the others, except 1 born in Kentucky, were born in adjoining counties. Those who have come from elsewhere have generally come through marriage. Twenty-five did not report their birthplaces.

Of the 25 families 22 own their homes. The other 3 rent of colored landlords, and 1 of the renters owns land. The holdings of land vary from 4.5 to 35.5 acres, and the farms and buildings are assessed at sums ranging from \$10 to \$300, the total assessed value of the community's real estate being about \$2,500 or \$3,000.

Seven of the 25 families live in one-room log cabins; 9 live in two-room log cabins, i. e., cabins with a lower room and a loft for sleeping purposes; 3 live in neat three-room frame houses, and 6 live in houses

of four rooms or more. The average size of the families is 4.9 members. The real family, i. e., parents and all living children, is much larger than this. There are 13 families of five or more members, 4 of four members, 2 of three, 5 of two, and 1 of one member. There are about 2 persons to a room and 2.5 rooms to a family.

On the whole, this little hamlet presents two pictures in strange juxtaposition—one of discouragement, stagnation, and retrogression, the other of enterprise and quiet comfort. The key to the situation is the migration of the youth. Where a prospect of profitable employment has kept them at home the community has correspondingly prospered; but where they have been compelled, or thought themselves compelled, to seek work elsewhere and have left the farm and the old folks and children and gone to Farmville or farther their homes have fallen generally into decay.

GROUP LIFE.

The Negroes of Farmville, Israel Hill, and the neighboring county districts form a closed and in many respects an independent group life. They live largely in neighborhoods with one another, they have their own churches and organizations and their own social life, they read their own books and papers, and their group life touches that of the white people only in economic matters. Even here the strong influence of group attraction is being felt, and Negroes are beginning to patronize either business enterprises conducted by themselves or those conducted in a manner to attract their trade. Thus, instead of the complete economic dependence of blacks upon whites, we see growing a nicely adjusted economic interdependence of the two races, which promises much in the way of mutual forbearance and understanding.

The most highly developed and characteristic expression of Negro group life in this town, as throughout the Union, is the Negro church. The church is, among American Negroes, the primitive social group of the slaves on American soil, replacing the tribal life roughly disorganized by the slave ship, and in many respects antedating the establishment of the Negro monogamic home. The church is much more than a religious organization; it is the chief organ of social and intellectual intercourse. As such it naturally finds the free democratic organizations of the Baptists and Methodists better suited to its purpose than the stricter bonds of the Presbyterians or the more aristocratic and ceremonious Episcopalians. Of the 262 families of Farmville, only 1 is Episcopalian and 3 are Presbyterian; of the rest, 26 are Methodist and 218 Baptist. In the town of Farmville there are 3 colored church edifices, and in the surrounding country there are 3 or 4 others.

The chief and overshadowing organization is the First Baptist Church of Farmville. It owns a large brick edifice on Main street. The auditorium, which seats about 500 people, is tastefully finished in light wood organ, and stained-glass windows. Beneath this is

a large assembly room with benches. This building is really the central clubhouse of the community, and in greater degree than is true of the country church in New England or the West. Various organizations meet here, entertainments and lectures take place here, the church collects and distributes considerable sums of money, and the whole social life of the town centers here. The unifying and directing force is, however, religious exercises of some sort. The result of this is not so much that recreation and social life have become stiff and austere, but rather that religious exercises have acquired a free and easy expression and in some respects serve as amusement-giving agencies. For instance, the camp meeting is simply a picnic, with incidental sermon and singing; the rally of country churches, called the "big meeting," is the occasion of the pleasantest social intercourse, with a free barbecue; the Sunday-school convention and the various preachers' conventions are occasions of reunions and festivities. Even the weekly Sunday service serves as a pleasant meeting and greeting place for working people who find little time for visiting during the week.

From such facts, however, one must not hastily form the conclusion that the religion of such churches is hollow or their spiritual influence bad. While under present circumstances the Negro church can not be simply a spiritual agency, but must also be a social, intellectual, and economic center, it nevertheless is a spiritual center of wide influence; and in Farmville its influence carries nothing immoral or baneful. The sermons are apt to be fervent repetitions of an orthodox Calvinism, in which, however, hell has lost something of its terrors through endless repetition; and joined to this is advice directed against the grosser excesses of drunkenness, gambling, and other forms disguised under the general term "pleasure" and against the anti-social peccadillos of gossip, "meanness," and undue pride of position. Very often a distinctly selfish tone inculcating something very like sordid greed and covetousness is, perhaps unconsciously, used; on the other hand, kindness, charity, and sacrifice are often taught. In the midst of all, the most determined, energetic, and searching means are taken to keep up and increase the membership of the church, and "revivals," long-continued and loud, although looked upon by most of the community as necessary evils, are annually instituted in the August vacation time. Revivals in Farmville have few of the wild scenes of excitement which used to be the rule; some excitement and screaming, however, are encouraged, and as a result nearly all the youth are "converted" before they are of age. Certainly such crude conversions and the joining of the church are far better than no efforts to curb and guide the young.

The Methodist church, with a small membership, is the second social center of Farmville, and there is also a second Baptist church, of a little lower grade, with more habitual noise and shouting.

Next to the churches in importance come the secret and beneficial organizations, which are of considerable influence. Their real function is to provide a fund for relief in cases of sickness and for funeral

expenses. The burden which would otherwise fall on one person or family is, by small, regular contributions, made to fall on the group. This business feature is then made attractive by a ritual, ceremonies, officers, often a regalia, and various social features. On the whole, the societies have been peculiarly successful when we remember that they are conducted wholly by people whose greatest weakness is lack of training in business methods.

The oldest society is one composed of 40 or 50 women—the Benevolent Society—which has been in existence in Farmville for over twenty years. There is a local lodge of Odd Fellows with about 35 members, which owns a hall. The Randolph Lodge of Masons has 25 members, and holds its sessions in a hired hall, together with the Good Samaritans, a semireligious secret order, with 25 local members. One of the most remarkable orders is that of the True Reformers, which has headquarters in Richmond, conducts a bank there, and has real estate all over Virginia. There are two “fountains” of this order in Farmville, with perhaps 50 members in all.

There have lately been some interesting attempts at cooperative industrial enterprises, and some capital was collected. Nothing tangible has, however, as yet resulted.

There is a genial and pleasant social life maintained among the Farmville Negroes, clustering chiefly about the churches. Three pretty distinctly differentiated social classes appear. The highest class is composed of farmers, teachers, grocers, and artisans, who own their homes, and do not usually go out to domestic service; the majority of them can read and write, and many of the younger ones have been away to school. The investigator met this class in several of their social gatherings; once at a supper given by one of the grocers. The host was a young man in the thirties, with good common school training. There were eight in his family—a mother-in law, wife, five children, and himself. The house, a neat two-story frame, with 6 or 8 rooms, was on Main street, and was recently purchased of white people at a cost of about \$1,500. There was a flower and vegetable garden, cow and pigs, etc. The party consisted of a mail clerk and his wife; a barber's wife, the widowed daughter of the wood merchant; a young man, an employee in a tobacco factory, and his wife, who had been in service in Connecticut; a middle aged woman, graduate of Hampton, and others. After a preliminary chat, the company assembled in a back dining room. The host and hostess did not seat themselves, but served the company with chicken, ham, potatoes, corn, bread and butter, cake, and ice cream. Afterwards the company went to the parlor and talked, and sang—mostly hymns—by the aid of a little organ, which the widow played. At another time there was a country picnic on a farm 20 miles from town. The company started early and arrived at 10 o'clock on a fine old Virginia plantation, with manor house, trees, and lawn. The time was passed in playing croquet, tossing the bean bag, dancing, and *lauching*.

Again, a considerable company was invited to a farm house about a mile from town, near Israel Hill, where an evening was passed in eating and dancing.^(a) Often the brickmaker opened his hospitable door and entertained with loaded tables and games of various sorts.

Among this class of people the investigator failed to notice a single instance of any action not indicating a thoroughly good moral tone. There was no drinking, no lewdness, no questionable conversation, nor was there any one in any of the assemblies against whose character there was any well-founded accusation. The circle was, to be sure, rather small, and there was a scarcity of young men. It was particularly noticeable that three families in the town, who, by reason of their incomes and education would have naturally moved in the best circle, were rigidly excluded. In two of these there were illegitimate children, and in the third a wayward wife. Of the Farmville families about 4"—possibly fewer—belonged to this highest class.

Leaving the middle class for a moment, let us turn to the Farmville slums. There are three pretty well-defined slum districts—one near the railroad, one on South street, and one near the race track. In all, there would appear to be about 45 or 50 families of Negroes who are below the line of ordinary respectability, living in loose sexual relationship, responsible for most of the illegitimate children, chief supporters of the two liquor shops, and furnishing a half-dozen street walkers and numerous gamblers and rowdies. It is the emigration of this class of people to the larger cities that has recently brought to notice the large number of Negro criminals and the development of a distinct criminal class among them. Probably no people suffer more from the depredations of this class than the mass of colored people themselves, and none are less protected against them, because the careless observer overlooks patent social differences and attributes to the race excesses indulged in by a distinctly differentiated class. These slum elements are not particularly vicious and quarrelsome, but rather shiftless and debauched. Laziness and promiscuous sexual intercourse are their besetting sins. Considerable whisky and cider are consumed, but there is not much open drunkenness. Undoubtedly this class severely taxes the patience of the public authorities of the town.

The remaining 170 or more families, the great mass of the population, belong to a class between the two already described, with tendencies distinctly toward the better class rather than toward the worse. This class is composed of working people, domestic servants, factory hands, porters, and the like; they are a happy minded, sympathetic people, teachable and faithful; at the same time they are not generally very energetic or resourceful, and, as a natural result of long repression, lack "push." They have but recently become used to responsibility, and their moral standards have not yet acquired that fixed character and superhuman sanction necessary in a new people. Here and there

^a Dancing, although indulged in somewhat, is frowned upon by the churches and is not a general amusement with the better classes.

their daughters have fallen before temptation, or their sons contracted slothful or vicious habits. However, the effort to maintain and raise the moral standard is sincere and continuous. No black woman can to-day, in the town of Farmville, be concubine to a white man without losing all social position—a vast revolution in twenty years; no black girl of the town can have an illegitimate child without being shut off from the best class of people and looked at askance by ordinary folks. Usually such girls find it pleasanter to go North and work at service, leaving their children with their mothers.

Finally, it remains to be noted that the whole group life of Farmville Negroes is pervaded by a peculiar hopefulness on the part of the people themselves. No one of them doubts in the least but that one day black people will have all rights they are now striving for, and that the Negro will be recognized among the earth's great peoples. Perhaps this simple faith is, of all products of emancipation, the one of the greatest social and economic value.

CONCLUSION.

A study of a community like Farmville brings to light facts favorable and unfavorable, and conditions good, bad, and indifferent. Just how the whole should be interpreted is perhaps doubtful. One thing, however, is clear, and that is the growing differentiation of classes among Negroes, even in small communities. This most natural and encouraging result of 30 years' development has not yet been sufficiently impressed upon general students of the subject, and leads to endless contradiction and confusion. For instance, a visitor might tell us that the Negroes of Farmville are idle, unreliable, careless with their earnings, and lewd; another visitor, a month later, might say that Farmville Negroes are industrious, owners of property, and slowly but steadily advancing in education and morals. These apparently contradictory statements made continually of Negro groups all over the land are both true to a degree, and become mischievous and misleading only when stated without reservation as true of a whole community, when they are in reality true only of certain classes in the community. The question then becomes, not whether the Negro is lazy and criminal, or industrious and ambitious, but rather what, in a given community, is the proportion of lazy to industrious Negroes, of paupers to property holders, and what is the tendency of development in these classes. Bearing this in mind, it seems fair to conclude, after an impartial study of Farmville conditions, that the industrious and property accumulating class of the Negro citizens best represents, on the whole, the general tendencies of the group. At the same time, the mass of sloth and immorality is still large and threatening.

How far Farmville conditions are true elsewhere in Virginia the present investigator has no means of determining. He sought by inquiry and general study to choose a town which should in large degree typify the condition of the Virginia Negro to-day. How far Farmville fulfills this wish can only be determined by farther study.

INCOMES, WAGES, AND RENTS IN MONTREAL.

BY HERBERT BROWN AMES, B. A.

The commercial metropolis of Canada is the city of Montreal. Situated at the point of union between the St. Lawrence system and ocean navigation, it is naturally the center of the trading, manufacturing, and distributing interests of the Dominion. With a population of nearly 250,000 souls, Montreal exhibits therein the largest aggregation of industrial workers to be found, and affords a field for the study of the phenomena of associated human life unexcelled throughout British North America.

The national and civic authorities are just awakening to the need of accurate sociological data concerning Montreal, and information from official sources regarding incomes, wages, rents, etc., among the residents of this important city being but scanty, recourse is necessary to somewhat incomplete returns from private investigation.

During the autumn and winter of 1896 a private industrial census was taken of a district deemed to be of sufficient area and population to give averages fairly characteristic of the entire city. The canvassers were instructed to obtain information upon the following points: Regarding each place of employment, the number of workers and their division into men, women, and children; regarding each residence, the number of families therein, number of rooms per family, number of persons in family and the proportion thereof of adults, school children, young children, and lodgers, the rental paid, the wages earned, the sanitary accommodation, the nationality, and other similar matters. The results of this house-to-house canvass have recently been published in a monograph entitled *The City Below the Hill*, and as this is the first and as yet the only effort of the kind that has been made, it is permissible to utilize its results as a groundwork for the present article.

The *City Below the Hill* is the name given to a typical industrial district of Montreal. The locality comprises about one-sixth of the entire city, constituting its southeastern portion. To those acquainted with Montreal it will be readily recognized when described as the lower half of St. Antoine Ward and all of St. Ann's Ward except Point St. Charles. The district canvassed was divided into thirty sections, and the results of the industrial census were worked out not only for the entire district but for the several sections comprising it.

For many reasons the district chosen was especially adapted to sociological investigation. In the first place, it contained nearly equal proportions of the three nationalities, French-Canadian, British-Canadian, and Irish Canadian, of which the city population is composed. The choice of any other industrial section would have confined the investigation to the study of a single race in a mixed community. Again, the district was, in the main, fairly homogeneous with regard to the social status of its inhabitants. Nearly all the families resident therein were dependent upon local industries, and at least 75 per cent of them belonged to the real industrial class. Yet, again, natural boundaries separated the district from adjoining territory. Were one to pass its western limit, he would be required to ascend a considerable hill, and in so doing would enter the exclusive habitat of the well-to-do. Passing across the northern boundary, the heart of the city, with streets devoted wholly to warehouses and stores, would be reached. To the east lies what is known as Point St. Charles, a distinctly separate community gathered around the offices and workshops of the Grand Trunk Railway, the residents of which have little communication with the adjoining district. The only arbitrary limit lies to the southward, where the city line separates the district from the outlying municipality of St. Cnnegonde. On the whole, however, no portion of Montreal could have been chosen for sociological study whose boundaries so naturally separated it from dissimilar localities.

In the main the district is low-lying and level. Through its center passes the Lachine Canal, while its eastern border extends to the River St. Lawrence. The two leading railways of Canada, the Grand Trunk and the Canadian Pacific, have their central stations within its bounds. In extent it is about a square mile and includes 475 acres actually utilized for purposes of business or residence. It furnishes employment for 16,237 persons and contains 7,671 families. The total number of wage earners employed exceeds that of wage earners resident by 5,384, a fact which proves that the district is capable of sustaining, by means of the industries therein operated, a much larger number of families than it now contains, and that with suitable dwellings every wage worker employed therein might live in comfort and health within easy walking distance of his place of employment.

The table following contains the results of the unofficial industrial census upon matters relating to family incomes and workers' wages in the district selected for investigation. At the bottom of the table are given general averages for the entire district, while opposite the number of each subdivision is the sectional average, showing local variations.

INCOMES, WAGES, AND RENTS IN MONTREAL.

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STATISTICS RELATING TO INCOMES AND WAGES.

Section.	Character of section.	Families.	Wage earners.	Wage earners per family.	Total weekly income.	Average weekly income per family.	Average weekly wage per worker.
1	Well-to-do	181	257	1.42	\$2,130	\$11.77	\$8.29
2	Well-to-do	104	124	1.19	1,462	14.06	11.79
3	Well-to-do	134	167	1.25	2,100	15.67	12.57
4	Largely manufacturing	157	218	1.39	2,024	12.89	9.28
5	Industrial	344	446	1.30	3,796	11.03	8.51
6	Largely well-to-do	262	390	1.49	3,777	14.42	9.68
7	Industrial	250	399	1.54	3,400	13.13	8.52
8	Industrial	253	397	1.57	2,663	10.53	6.71
9	Well-to-do	178	218	1.22	2,840	15.96	13.03
10	Industrial	311	469	1.50	3,412	10.97	7.28
11	Industrial	209	288	1.38	2,404	11.50	8.35
12	Industrial	301	410	1.36	2,972	9.87	7.25
13	Typical industrial	661	910	1.38	6,286	9.51	6.91
14	Typical industrial	496	769	1.55	5,651	11.39	7.35
15	Typical industrial	457	618	1.35	4,901	10.72	7.93
16	Typical industrial	227	316	1.39	2,397	10.56	7.59
17	Typical industrial	267	382	1.43	3,250	12.17	8.51
18	Industrial	249	316	1.27	2,659	10.68	8.41
19	Industrial	193	285	1.48	2,307	11.95	8.09
20	Industrial	157	227	1.45	1,867	11.89	8.22
21	Mainly commercial	84	98	1.17	681	8.11	6.95
22	Largely irregular work	356	470	1.32	2,920	8.20	6.21
23	Largely irregular work	136	178	1.31	1,093	8.04	6.14
24	Largely irregular work	394	543	1.38	3,442	8.74	6.34
25	Typical industrial	450	672	1.49	4,857	10.79	7.23
26	Industrial	97	142	1.46	1,065	10.98	7.50
27	Mostly nonresidential	3	5	1.67	38	12.67	7.60
28	Typical industrial	284	439	1.55	3,468	12.21	7.60
29	Typical industrial	131	188	1.43	1,459	11.14	7.76
30	Typical industrial	336	512	1.52	3,677	10.94	7.18
Total		7,671	10,853	1.41	84,998	11.08	7.83

Section.	Average weekly income per family, industrial class.	Average weekly wage per worker, industrial class.	Percentage of families with—		Percentage of—			Estimated average weekly income of the poor.
			Regular incomes.	Irregular incomes.	Well-to-do families.	Industrial families.	Poor families.	
1	\$10.28	\$6.64	72	28	24	60	18	\$4.13
2	11.10	10.07	81	19	41	47	12	4.83
3	11.20	9.74	94	6	52	45	3	4.50
4	9.25	7.09	80	20	37	52	11	4.41
5	9.71	7.86	93	7	16	78	6	4.15
6	12.36	8.94	96	4	32	63	5	4.38
7	12.45	8.45	90	10	29	62	9	4.28
8	11.38	7.30	80	20	8	76	16	4.35
9	13.52	11.96	99	1	37	63		
10	11.01	7.37	85	15	8	80	12	4.56
11	8.95	6.50	84	16	25	66	9	4.61
12	9.47	6.67	76	24	10	77	13	4.60
13	9.29	6.76	78	22	8	79	13	4.52
14	10.18	6.92	82	18	16	74	10	4.50
15	10.11	7.98	78	22	10	80	10	4.76
16	9.30	6.65	73	27	19	63	18	4.28
17	10.48	7.90	90	10	16	81	3	4.75
18	10.60	7.89	76	24	13	76	11	4.50
19	10.66	7.64	83	17	14	84	2	4.00
20	10.65	7.82	82	18	12	86	2	4.33
21	8.17	6.68	54	46	6	75	19	4.12
22	8.92	6.37	62	38	2	76	22	4.48
23	8.45	6.51	62	38	5	69	26	4.51
24	9.34	6.50	55	45	6	87	27	4.27
25	10.15	7.03	59	41	11	79	10	4.15
26	10.88	7.36	69	31	11	73	16	4.80
27								
28	11.40	7.60	79	21	14	78	8	4.84
29	9.91	7.20	71	29	18	71	11	4.66
30	10.46	7.00	74	26	12	76	12	4.89
Total	10.20	7.33	78	22	15	73	12	4.46

The composition of the family is the first subject for investigation. It was found that the 7,671 families aggregated 37,652 persons. Of these persons, 25,051 were sixteen years of age or upward, and might reasonably be regarded as adults. These 25,051 adults were again divisible into three classes, viz, the wage earners, male and female, numbering 10,853; the home tenders, numbering 11,720, and the lodgers, numbering 2,478. The children numbered 12,601, divisible into two classes, viz, children of school age, of whom there were 6,948, and young children of five years or under, of whom there were 5,653. Deducing from these figures an average, the typical family will be found to contain 4.90 persons. Of this number 1.41 work for wages and are the family's support; 1.53 remain at home and contribute more or less to its care; 1.64 represent the children, of whom 0.91 is of school age and 0.73 an infant in the house. To every third family there is assignable one lodger. With this latter element eliminated, our typical family would be reduced to 4.58 individuals. These proportions may be more graphically expressed by imagining a block to contain 30 families. In such case we would expect to find 147 persons, 42 of whom would be wage earners, 46 would be home tenders, 10 would be lodgers, 27 children of school age, and 22 infants. These figures represent the relative proportions of the various elements in the average family of the district under consideration.

Knowing now what proportion of the average family contributes to the common purse, an examination of the amount earned may next be taken up. As near as can be ascertained, the average aggregate income per week throughout the year for all the families under examination amounts to \$84,998, equivalent to \$11.08 per week for each family, or about \$2.25 for each man, woman, and child resident within the district. Localities vary greatly in the family averages, which range from \$15.96 in section 9 to \$8.04 in section 23. The sixteen sections inhabited more especially by industrial workers exhibit a sequence as follows: \$9.51, \$9.87, \$10.53, \$10.68, \$10.72, \$10.79, \$10.94, \$10.97, \$10.98, \$11.03, \$11.14, \$11.39, \$11.89, \$11.95, \$12.17, \$12.21. From this it is evident that a range of family incomes from \$9.50 to \$12.25 per week may be regarded as characteristic, when all classes are included. Adopting a somewhat different method of dealing with the figures by attempting to analyze the whole and to classify the families according to weekly incomes, we have the following: Of class A, the well-to-do, with a regular family income of \$20 or more, 10 per cent; of class B, where the family income ranges from \$15 regularly received to \$20 irregularly received, 12 per cent; of class C, where the family income ranges from \$10 regularly received to \$15 irregularly received, 23 per cent; of class D, where the family income ranges from \$7.50 regularly received to \$10 irregularly received, 28 per cent; of class E, where the family income ranges from \$5 regularly received to \$7.50 irregularly received, 17 per cent; of class F, where the family income is not more than \$5 irregularly received and often even less than that amount, 10 per cent.

Now class A, to which belongs the shopkeepers, hotel men, saloon keepers, resident professional men, and landowners, being of the well-to-do, and class F, wherein are included the "defectives, dependents, and delinquents," or those families which through force of circumstances or depravity are upon the lowest scale of living, ought not properly to be taken into account when seeking to ascertain the family income of the regular industrial workers. Having eliminated these two elements from the calculation, the average family income of the real industrial class alone, throughout the thirty sections, will be found to be \$10.20 per week, or 88 cents less than the figures given where all classes were included. That this last result adequately expresses the condition of the working class can be further verified by taking into consideration only the sixteen sections more especially inhabited by this class, when a family average of \$10.07 per week will be the result. Therefore from \$10 to \$10.25 per week may safely be taken as the family income of the real industrial class in the district of Montreal under investigation.

An attempt at ascertaining the regularity with which incomes were received brought out the following information: Although all families containing at least one regular worker, and all households receiving for a considerable portion of the year at least \$10 per week, were classified as in receipt of regular incomes and therefore eliminated, there still remained 1,724 families, or 22.5 per cent of the total number, whose small incomes could not be depended upon as constant or regular throughout the year. Of course this included instances of alternative trades. This irregularity of employment was found to vary greatly with the locality, being most in evidence along the river front, where the proportion was as high as two families out of every five. That nearly one-fourth of the industrial workers are not steadily employed throughout the year at the same kind of work is a fact that accounts largely for the low figures of the average income.

When the canvass was being prosecuted an endeavor was made to obtain access to the weekly pay rolls of various business establishments. Many managers, however, were unwilling to furnish information upon such matters to enumerators reenforced by no official sanction, and the returns, being incomplete, were of little value. It becomes necessary, therefore, to fall back upon an analysis of family incomes in order to approximately determine the scale of wages in force among the workers.

We have already seen that the average family contains 1.41 wage earners. The aggregate income of \$84,998 per week was the combined reward of 10,853 wage earners, giving a contribution of \$7.83 per individual worker when all classes of society were included. The families of the industrial workers alone, however, received through 7,794 wage earners the sum of \$57,139 per week, or \$7.33 per worker, which latter estimate more truly represents industrial Montreal. Taking the real industrial class families alone in 16 sections the series of weekly averages per worker ran \$6.67, \$6.76, \$6.92, \$7, \$7.03, \$7.20, \$7.30, \$7.36,

\$7.37, \$7.60, \$7.64, \$7.82, \$7.86, \$7.89, \$7.90, \$7.98. From \$6.50 to \$8 per worker, therefore, may be taken as the range of wages.

When investigating the question of employment throughout this district of Montreal, it was ascertained that 77 per cent of those locally employed were men, 20 per cent were women, and 3 per cent were children from 14 to 16 years of age. If this proportion were maintained throughout the industrial population just examined, and we have no reason to believe that any considerable variation would be encountered, then of the 7,794 wage earners 6,001 would be men, 1,559 women, and 234 children. If the men be credited as capable of earning \$8.25 per week, the women \$4.50 per week, and the children \$3 per week, it will practically account for the \$57,139, the total amount earned by these 7,794 workers. This estimate fairly represents wage averages in Montreal.

The housing problem for this part of industrial Montreal comes next for consideration. Two principal questions naturally arise: First, What is the character of the home accommodation now furnished to the working classes? And, second, How much is the wage earner required to pay for what he receives? Following are presented in tabular form statistics relating to the homes of the wage earners in the district canvassed:

STATISTICS RELATING TO HOMES OF WAGE EARNERS.

Section.	Dwell-ings.	Tene-ments.	Tene-ments per dwelling.	Rooms per family.	Average number of persons to each occupied room.	Density of population per acre.	Percentage of—	
							Front tenements.	Unoccupied tenements.
1	135	198	1.47	6.28	0.92	95	89	9
2	92	121	1.32	7.20	.86	87	85	14
3	114	145	1.27	7.27	.74	80	96	8
4	132	166	1.26	5.93	.87	72	96	5
5	244	375	1.54	a 5.64	.98	121	95	8
6	163	279	1.71	6.85	.78	141	99	6
7	192	301	1.57	6.40	.77	80	90	14
8	178	283	1.59	6.06	.88	134	91	11
9	114	207	1.82	7.71	.60	74	100	14
10	193	334	1.73	5.53	.94	148	97	7
11	129	224	1.74	b 6.39	.84	164	77	7
12	172	334	1.94	4.39	1.08	143	89	10
13	328	706	2.15	3.99	1.10	149	61	6
14	276	534	1.93	4.77	1.01	168	86	7
15	244	506	2.07	4.28	1.04	215	89	10
16	158	267	1.69	c 5.78	.90	58	85	15
17	188	299	1.59	4.74	1.05	95	94	11
18	125	266	2.13	4.24	1.14	96	93	6
19	130	212	1.63	4.80	.98	84	91	9
20	88	180	2.05	4.60	1.09	54	93	13
21	54	96	1.78	4.31	1.12	23	100	13
22	197	374	1.90	4.49	1.00	103	96	8
23	76	147	1.93	4.51	1.05	42	99	7
24	205	424	2.07	4.18	1.19	113	95	7
25	260	480	1.85	4.26	1.09	149	96	6
26	56	101	1.80	3.99	1.15	16	97	4
27	3	3						
28	183	313	1.71	4.21	1.13	109	93	9
29	80	147	1.84	4.66	1.08	30	90	11
30	200	368	1.84	4.43	1.06	68	93	9
Total	4,709	8,390	1.78	5.02	.98	88	90	9

a 5.46 excluding hotels.

b 5.52 excluding hotels.

c 4.97 excluding hotels.

STATISTICS RELATING TO HOMES OF WAGE EARNERS—Concluded.

Section.	Percentage of occupied tenements with water-closets.	Average monthly rental per family.	Percentage of rental of income.	Estimated rent value per room per month of model accommodation.	Actual rental paid per room per month.	Distance in miles from city center.	Persons employed within one-fourth mile.	Death rate per 1,000.
1.....	80	\$12.11	24	\$2.60	\$1.93	0.1	7,000	18.18
2.....	84	15.02	25	2.60	2.09	.3	6,000	23.16
3.....	81	15.93	23	2.60	2.19	.5	3,500	20.77
4.....	64	13.34	24	2.80	2.25	.1	10,000	25.79
5.....	54	9.58	19	2.40	1.70	.4	3,500	19.58
6.....	90	14.92	24	2.40	2.18	.7	2,500	22.06
7.....	85	12.63	22	2.20	1.97	.9	1,250	21.17
8.....	70	10.81	24	2.00	1.78	1.0	1,250	11.16
9.....	100	14.89	21	2.00	1.03	1.2	500	24.13
10.....	80	9.64	20	1.80	1.74	1.2	2,000	17.48
11.....	55	11.12	22	2.80	1.74	.3	9,000	17.73
12.....	42	7.91	18	2.20	1.80	.6	4,000	40.70
13.....	49	7.21	17	2.20	1.80	.9	3,000	29.30
14.....	54	7.82	16	2.00	1.64	.1	2,000	26.68
15.....	49	6.60	14	1.80	1.54	1.3	2,500	16.66
16.....	31	8.84	19	2.60	1.52	.2	12,000	22.12
17.....	36	8.47	18	2.40	1.79	.5	5,000	17.33
18.....	53	7.14	15	2.20	1.68	.8	3,500	21.64
19.....	61	8.01	15	2.00	1.67	1.0	2,500	35.04
20.....	41	7.15	14	1.80	1.56	1.2	3,500	24.20
21.....	46	7.44	21	2.40	1.73	.2	6,000	44.34
22.....	20	7.12	20	2.20	1.59	.3	7,500	21.31
23.....	29	6.71	19	2.00	1.49	.3	4,500	23.22
24.....	27	6.45	17	2.00	1.54	.5	6,000	19.95
25.....	20	6.44	14	2.00	1.51	.6	3,250	31.15
26.....	19	6.31	13	1.80	1.58	.8	1,500	10.91
27.....								
28.....	29	6.66	12	1.80	1.58	.9	4,500	14.84
29.....	40	7.16	15	1.80	1.54	1.2	4,000	22.76
30.....	22	6.32	13	1.60	1.31	1.5	3,500	10.61
Total.....	40	8.73	18	2.00	1.74			22.47

In analyzing the preceding table it is to be remembered that sections 1 and 2 contain many boarding houses, sections 3 and 5 contain hotels and boarding houses, sections 10, 11, and 16 contain hotels, and sections 4, 15, and 21 are mainly commercial.

The accepted ideal for the city home is one where the front door is used by one family only, where there are at least as many rooms as there are members in the family, where the house faces a through street, and wherein proper sanitary accommodation is provided. This ideal is by no means universally attained throughout the district investigated, and the extent of that deficiency now comes up for examination. To this end the following matters are dealt with: Number of tenements (families) per house; density of population; number of rooms per individual; number of rooms per family; sanitary accommodation; rear tenements; death rate; proportion of tenements unoccupied—all these being factors which must be taken into account before the standard of house accommodation at present attained can be determined.

The ordinary dwelling used for residential purposes throughout the district under examination accommodates two families, the one living above the other; or, to be more exact, the district contains 4,709 separate dwellings, which include 8,390 tenements, or an average of 1.78

per dwelling. The three-story dwelling is rare in Montreal, and the four-story, as a residence for families of the industrial class, is almost unknown. Section 13, which exhibits the largest number of tenements per dwelling, viz, 2.15, is still a district occupied mainly by two and three-story buildings. Only sections 13, 15, 18, 20, and 24, in all but five sections out of twenty-nine, show their average dwelling to contain more than two tenements. The small house is not without its advantages, in that it tends to make the tenant independent and self-reliant, and, giving a considerable degree of privacy, preserves those things which belong to a separate family life. On the other hand, it has its disadvantages, in that it means but few rent payers to the acre, and this, upon expensive land, results invariably in either high rents or mean accommodations.

The density of population is a matter which it is pertinent to examine at this point. Owing to the fact noted above, that Montreal is a city in which the ordinary dwelling accommodates but two families, we do not find, either in the district under consideration or in the city at large, a density that compares unfavorably with that found in other cities. About 40 persons to the acre will be the average for Montreal, taking its entire extent into consideration. An average of not more than 120 persons to the acre is to be found even in its most densely populated ward. The territory under examination, all spaces included, averages about 55 persons to the acre. Its most densely populated region is that which is known as the "Swamp," comprising sections 12 to 15. This covers about 54 acres upon which buildings have been or might be erected, and has a joint population of 8,863 souls, or an average throughout the belt of 163 to the acre. Several areas of smaller extent will exceed this belt average. One plot of 10 acres accommodates 2,000 persons, while another, covering slightly more than 3 acres, supplies homes for 955 persons, or over 300 to the acre; but this is the maximum. Taking only the occupied portions of the city below the hill into consideration, an average density of 82.5 persons to the acre expresses the number of persons immediately surrounding the typical home.

We must not only consider the proximity of the people to one another, as evidenced by the density per acre, but also determine the number of persons assignable to each occupied room before we can pronounce a district unhealthfully crowded or otherwise. A section may have a high density and yet ample room space, so that the danger arising from the former condition may be neutralized by the latter. The number of occupied rooms (38,543) throughout the district investigated is almost identical with the number of persons (37,652). In fact, the average would be 1.02 rooms per individual. Where, as in sections 1 to 11, the average family accommodation exceeds 5 rooms, the standard is surpassed in that there are, as a rule, fewer persons than rooms. On the other hand, where the average home contains less than 5 rooms, as is

the case in nearly all the remaining sections, then more than one person to each room is the rule. The most overcrowded section, 24, shows an average of 1.19 persons per occupied room. Isolated instances of overcrowding were discovered within the confines of nearly every section. In some cases five, six, seven, or even eight persons occupied 2 rooms. Seven persons in 3 rooms was a condition found in a score of families. The worst group of overcrowded homes, located near the southern boundary, revealed 49 persons in 20 rooms. However, these isolated instances were not numerous. Not 2 per cent of all the homes visited exhibited a condition of overcrowding equivalent to two persons per occupied room. One person to 1 room may then be regarded not only as the ideal but also as the rule in the district under examination.

The 7,671 families in the district canvassed occupy 38,543 rooms. This calculation includes hotels, boarding houses, schools, asylums, etc. It will be seen that it gives an average of 5.02 rooms per family. The upper and more well-to-do portions of the district show an average of 5.5 rooms per family, but for the remaining sections 4.5 rooms is the rule. The most crowded section of all under examination, viz, section 13, gives 3.99 rooms per family. A closer analysis of this section, which contains 661 families, shows 14 per cent of the families in homes of 2 rooms, 31 per cent in 3 rooms, 31 per cent in 4 rooms, 9 per cent in 5 rooms, and 15 per cent in 6 rooms or more. Families living in 1 room are very rarely encountered in Montreal. If we could imagine ten ordinary families coming to settle within the district, the division of accommodation which would have to be made among them would be as follows: One family would have 7 rooms, two families would have 6 rooms each, four families would have 5 rooms each, two families would have 4 rooms each, and one family would have 3 rooms. This represents average homes in respect to number of rooms.

In the matter of sanitary accommodation the home of the wage earner of Montreal is less desirable than that of his fellows elsewhere. So many are the buildings of ancient construction in the older portions of the city, and so strong has hitherto been the influence which property owners have been able to exert upon the civic authorities to restrain them from passing drastic regulations, that the out-of-door-pit-in-the-ground privy is still found in large numbers in the densely populated heart of the city. Although there are 2,140 less privies in the entire city than there were in 1891, the total number at the beginning of 1896 was still nearly 5,800. The district canvassed, being one of the older portions of Montreal, suffers from this evil even more than other localities. Fifty-one per cent of the houses within it are dependent entirely upon such inferior accommodation. Although drains have been laid in almost every street, still less than half of the contiguous residences have water-closet privileges. In the quarter known as "Griffintown," sections 21 to 26, which is thickly populated and close to the center of the city, only one home in four has a water-closet. In this respect the home

of the wage earner of Montreal is decidedly deficient, and the result is manifest in the ill health of many localities.

The rear tenement is not to be found in great numbers throughout the district. Nine houses out of every ten front upon a through street. This proportion would be still further increased if sections 11, 12, and 13, which are in this respect most deficient, were eliminated. Only eight sections out of twenty-nine fall below the district average of one rear tenement in every ten. The typical rear tenement of Montreal is not a large building, but an ancient wooden structure of the rural habitant type or a two-story building incased with refuse brick and reached by rickety wooden stairs and galleries. These rear tenements rarely contain more than two families, generally only one, and though still a menace to the public health, because of their dilapidated condition, do not contain a sufficiently large proportion of the population to seriously affect the general health.

The healthfulness of the district as a whole and the salubrity of its various sections are matters also to be taken into consideration when describing residential conditions. The local death rate is usually accepted as a test in this matter. For the year 1895, in the entire city of Montreal, this rate was 24.81 per 1,000. For the district canvassed it was in 1896 slightly lower, viz, 22.47 per 1,000. It is significant that even this latter rate is nearly double that for the locality of similar extent just above the hill, occupied by the well-to-do. Certain sections of the nether city, however, show a death rate greatly exceeding the average of the whole. Section 21 shows a rate of 44.34 per 1,000; section 12, 40.70; section 19, 35.04; section 25, 31.15. The high death rate in certain sections, being doubtless indicative of undesirable conditions, must be taken into consideration when estimating the surroundings of the homes of the working people.

The demand for homes in this portion of industrial Montreal is not in excess of the supply, a fact which, having a tendency to enlarge the choice of the tenant, leaves the less desirable houses unoccupied. Out of a total of 8,390 tenements, 719, or 8.6 per cent, were noted to be unrented and unoccupied when this census was taken. This is equivalent to about one dwelling out of every twelve, and might appear at first glance to be a large proportion. Local causes, however, accounted for the lack of tenants in many sections. Thus in section 2 it was uncertainty regarding the widening of the adjoining street; in sections 7 and 8 it was the depreciation caused by the introduction of an elevated railroad. Making allowance for residences unoccupied on account of similar local causes, it is probable that not over 5 per cent of the houses in a fair state of preservation were vacant. The percentage ran highest in the well-to-do sections. Where the working people lived, lack of occupancy was comparatively rare. A score of blocks in localities of this latter character were found without a vacant house. At least nineteen out of every twenty houses suitable for the industrial class were *occupied*.

To recapitulate, what has been found to be the facts? The average dwelling of the district canvassed contains 1.78 families. The typical home is surrounded by a population equivalent to 82.5 persons per acre. It contains an average of 5.02 rooms. To each room there is one occupant. Ten per cent of these homes are to be found in rear tenements. Fifty-one per cent of them are without proper sanitary accommodation. An average local death rate of 22.47 per 1,000 shows the presence of pathological conditions. About one-twelfth of all dwellings are unoccupied. These statements express in brief residential conditions as they will average in the whole district. It is not difficult to note that to a very considerable degree the home actual falls short of the standard of the home ideal as set forth at the outset of this inquiry.

Having described existing residential accommodation within industrial Montreal, the question of cost is next to be considered.

The average rental paid per family, all classes included, throughout the district canvassed is \$8.73 per month. In the more well-to-do sections and those wherein the land is largely taken up by industrial establishments, such as sections 1, 2, 3, 4, 6, 7, 8, 9, and 11, rents are higher, ranging from \$10.81 in section 8 to \$15.93 in section 3. Throughout the remaining 20 sections averages between \$6 and \$9 per month are well-nigh universal. This latter estimate may be taken as the ruling figure for rent among the wage earners, varying according to desirability of accommodation, and, as will be later demonstrated, according to location.

Of the entire earnings of the residents of the district rental absorbs about 18 per cent. In the more well-to-do localities this proportion is greater, sections 1, 2, 3, 4, 6, 7, 8, and 11 showing from 22 to 25 per cent. Among the very poor, also, as was discovered through a special inquiry covering 300 families, rent was found to absorb fully one-fourth of the income. Among families of the real industrial class, however, about 16 per cent of earnings went to satisfy the landlord, and this proportion decreased toward the southern limits of the city. It was found, further, that where a workingman's family was large he was compelled to take up his residence near the suburbs in order to obtain the requisite number of rooms at a price which he could afford to pay.

No study of rentals would be complete, however, without some effort being made to ascertain in a measure the influence exerted upon values by location and the nearness of employment. Accommodation otherwise of equal desirability commands greatly differing prices in consequence of these factors. In the preceding table an attempt has been made to express relative convenience of location for the workingman by showing the distance in miles and decimals of a mile from the heart of each section to the city center, at McGill street and Victoria square. Sections 1 and 4, being but 0.1 of a mile from this northern limit, exhibit high rentals, while distance accounts for the much lower rates in sections 10, 15, 20, and 30. Nearness to abundance of local employment, while

it reduces the desirability of high-class residential properties, tends to increase the value of land designed for industrial class residents. The extent of this influence is indicated for each section in the table by figures showing approximately the number of persons finding steady employment within a quarter of a mile, or 5 minutes' walk, of the homes within the section. Rental values in sections 1, 2, 4, 11, 16, 17, 21, 22, and 24 are higher from the fact that all these sections are within easy reach of from 5,000 to 12,000 opportunities for individual employment. The average home of the district canvassed would lie about three-quarters of a mile from the city center—that is, about 15 minutes' walk each way, or half an hour daily. If the street-railway service were taken advantage of, the time required might be reduced one-half, but an expense of 38 cents per week would be thus incurred by each person. This would not, however, be the case with the great number, for local employment of at least 4,500 hands is within 5 minutes' walk of the average home. In fact, as already stated, the district affords more than enough employment to supply the resident wage earners.

In conclusion, let us endeavor to formulate an expression that will enable comparison regarding rental values to be made between Montreal and other cities. To this end a standard of accommodation must first be fixed, a reasonable valuation placed thereon, and adequate allowance made for failure to reach the desired excellency. Since the size of the home affects its rental value, this calculation will be based upon the average rental value of a single room.

The erection of model dwellings which fulfill the home ideal early set forth in this article has been undertaken in at least one instance within industrial Montreal. The best example of this form of investment is found within the district investigated, viz, the Diamond Court undertaking, situated upon the William street boundary of section 24. Here are four blocks of buildings conforming with the small-house type so universally popular, occupied by 40 families of varying nationalities and conditions. These buildings furnish model accommodation at an average price of \$2 per month per room, and yet yield a return of 5 per cent upon invested capital. Now, the value of the land upon which these buildings were erected is 80 cents per square foot. To estimate what it would cost to duplicate them elsewhere requires but one variable factor to be taken into consideration, and that will be the cost of the land. The expense of erection will not vary for any locality within the district. Now, if we estimate the price at which land suitable for this purpose can be obtained within each section under study, we can calculate what it ought to cost to provide model accommodation in that section. This result also is shown in the preceding table. Model accommodation in sections 4 and 11 would cost the tenant of the small apartment \$2.80 per room; in sections 1, 2, 3, and 16, \$2.60 per room; in sections 5, 6, 17, and 21, \$2.40 per room, and so on down to section 30, where the best of accommodation could be furnished at \$1.60 per

room. Model accommodation in the average locality can then be supplied at a monthly rental of \$2 per room. This applies to dwellings of from three to six rooms, for which the following rentals would be charged: For three rooms, \$6 per month; for four rooms, \$8 per month; for five rooms, \$10 per month; for six rooms, \$11 to \$12 per month. In more distant sections, such as 30, three rooms at \$5 per month, four rooms at \$6.50 per month, five rooms at \$8 per month, and six rooms at \$9 to \$10 per month could be provided, equipped with model accommodation, and yet yielding reasonable returns to the investor.

The actual price per average room in the district is \$1.74 per month. The average amounts now paid are \$5.25 for three rooms, \$7 for four rooms, \$8.75 for five rooms, and \$10.50 for six rooms. From previous examination we know, however, that actual home conditions are by no means up to the model standard. The difference between the rates paid and the price of model homes marks the degree of deficiency in existing accommodation. By making the necessary allowances for the causes indicated, rental averages in Montreal may be compared with prices paid for equivalent accommodation elsewhere by students possessing similar data regarding their own cities.

These statements are believed to fairly express industrial conditions in Montreal. It is hoped that American readers may from an examination of them be enabled to form an adequate conception of industrial life across the border, and may be able to remark wherein they excel or fall below their own.

RECENT REPORTS OF STATE BUREAUS OF LABOR STATISTICS.

ILLINOIS.

Ninth Biennial Report of the Bureau of Labor Statistics of Illinois.
1896. viii, 320 pp.

This report consists of three parts, as follows: Franchises, 120 pages; taxation, 116 pages; gas companies in Chicago, 84 pages.

FRANCHISES.—This part of the report contains four chapters, comprising the subjects: Municipalities, old and new; street railways; telephones; conclusions and remedies.

In the chapter relating to old and new municipalities, an historical sketch of the origin and development of municipal government is given, including a description of various systems in use at the present time and the reforms which are being most generally advocated by students of municipal government.

The chapter on street railways is presented with the view of showing the excessive capitalization of various street-railway companies in Chicago. It contains a history of the street-railway business of the city and statistics showing the capitalization of the three leading railway systems, together with statements showing the estimated cost of duplication; also other facts regarding these and minor surface and elevated street railways. The taxes, licenses, and special payments made by the three leading street railways are likewise shown. Comparisons are made between the Chicago street-railway systems and those of Montreal, Baltimore, and Detroit in the matter of taxation, rates of fare, etc.

The following statement shows the capitalization and mileage of the three leading street-railway systems in Chicago at the close of 1896:

Capital stock	\$31, 789, 000
Other obligations	29, 903, 300
Total	61, 692, 300
Total per mile	126, 460
Mileage:	
Cable	82. 34
Electric	390. 36
Horse	15. 14
Total	487. 84

A detailed statement of the estimated maximum cost of all the items necessary to duplicate the properties of these roads is presented. The aggregate cost, according to the estimates, was \$31,739,626, or \$65,062 per mile. A similar estimate of the minimum cost is placed at \$28,535,699, or \$58,494 per mile. The market value of the securities of all these roads in 1896 was \$91,704,740, or \$187,981 per mile. The taxes and

all other public charges paid by these roads in 1896 amounted to \$527,456.32. It is estimated that the three roads should have paid \$877,148.82 for taxes alone at the low valuation of other property in the business districts of the city. The general taxes actually paid amounted to \$253,376, or 2.12 per cent of the gross receipts. The gross receipts of the three roads during the year were \$11,941,524.

The chapter on telephones contains a short sketch of the development of the telephone industry and the earnings realized on the same. The company which has the monopoly in Chicago had in 1895 a capital stock of \$3,796,000. Its net earnings were \$542,839, and its dividends amounted to \$445,544. It pays the city 3 per cent of its gross receipts. In 1895 this payment amounted to \$37,562.

TAXATION.—This chapter is devoted to an analysis of the report of a tax commission appointed by the mayor of Chicago, which report is intended to show the ratio of assessed value to estimated market value of property in the central part of the city. The commission consisted of three real estate experts and two practical builders, and it made its report April 25, 1896. Detailed tables are presented showing the property valuation of the commission side by side with that of the assessor for each of the fifty highest and the fifty lowest assessed properties and for each of the properties included in the territory covered by the commission's investigation. Attention is also directed to the discriminating effect of the present method of equalizing taxes as between high and low assessed properties.

The territory covered by the commission includes all that is situated in the south division north of Twelfth street. The commission placed the market value of all this property (exclusive of property exempt from taxation) at \$438,447,180, of which \$337,342,880 was land value and \$101,104,300 the value of the improvements. In the assessor's returns for the year 1895 the same property was valued at \$40,668,720, of which \$24,726,880 represented land and \$15,941,840 improvements. The value of land and improvements exempted from taxation, not including city and National Government property, was \$22,236,250. The value of railroad property in the district investigated by the commission was found to be \$62,585,660.

GAS COMPANIES.—This part of the report contains copies of the acts incorporating the various gas companies in Chicago and a detailed account of their development, of the expansion of their capitalization, and of the profits realized before and after the formation of the gas trust in 1887.

The report states that the properties of the four Chicago gas companies constituting the trust, which can be duplicated for \$15,000,000, are capitalized for \$51,346,000. Of this, \$25,000,000 is in the form of trust certificates and \$26,346,000 in bonds. It is estimated that the trust realizes a profit of 5.03 per cent on its full capitalization, or 17.21 per cent on the actual capital of \$15,000,000. The total market value

of the securities of these four companies is quoted at \$44,726,200. As to the assessed valuation, figures could be obtained for only three of the four companies. The market value of the securities of these three companies amounted to \$38,950,160, while the equalized assessed valuation was \$1,164,498, or 2.99 per cent of the real value. The actual taxes paid amounted to \$100,146, while the taxes paid for other business property of the same value amounted to \$371,818.

MAINE.

Tenth Annual Report of the Bureau of Industrial and Labor Statistics for the State of Maine. 1896. Samuel W. Matthews, Commissioner. 242 pp.

The subject-matter of this report may be grouped as follows: Manufacturers' returns, 22 pages; factories, mills, and shops built during 1896, 4 pages; strikes and lockouts in Maine, 1887-1894, 14 pages; reports on the history and development of the tannery, earthenware, starch, ax and scythe, and steel shipbuilding industries, 81 pages; railroad employees and wages, 3 pages; extracts from the report of the proceedings of the twelfth annual convention of the National Association of Officials of Bureaus of Labor Statistics, 77 pages; labor laws of Maine, 11 pages; report of the inspector of factories, workshops, mines, and quarries, 14 pages.

MANUFACTURERS' RETURNS.—This investigation covers 126 establishments, representing 25 industries. The principal results are shown in the following table:

STATISTICS OF MANUFACTURES, 1896.

Industries.	Estab-lish-ments.	Capital invested.	Cost of ma-terial used.	Value of product.	Total wages paid.	Aver- age weeks in oper-ation.	Em- ployees.
Woolen mills.....	12	\$1,417,300	\$1,125,582	\$1,576,637	\$513,907	49	1,390
Cotton mills.....	10	9,898,500	4,629,816	5,332,376	3,480,254	49	11,472
Agricultural implements and tools.....	6	124,375	61,360	129,335	47,887	49	103
Bakeries.....	7	203,000	256,347	391,880	60,058	52	179
Blank books.....	2	26,000	13,440	26,566	7,721	46	22
Blocks and pumps.....	3	11,000	11,612	20,343	6,765	52	11
Boilers.....	3	21,000	40,376	71,467	15,543	50	23
Boots and shoes.....	11	928,360	1,470,266	2,351,630	571,385	49	1,441
Boxes.....	3	17,000	13,245	31,802	12,055	47	21
Bricks.....	3	26,000	35,340	52,780	9,216	33	27
Carriages.....	4	46,500	33,755	66,272	19,686	47	39
Chewing gum.....	3	107,500	37,175	75,606	14,246	46	63
Cigars.....	6	29,850	29,645	59,250	17,547	47	39
Clothing.....	6	59,500	65,500	159,700	50,600	46	181
Confectioneries.....	4	17,800	10,000	19,500	5,366	50	15
Creameries.....	2	80,000	100,000	115,000	3,600	51	14
Doors, sash, and blinds.....	9	324,500	280,446	484,255	122,466	50	319
Fish curing.....	3	25,000	25,000	45,100	8,050	38	23
Leather board.....	2	204,000	89,219	177,503	40,123	44	87
Lumber.....	7	202,500	167,890	301,121	62,572	51	180
Machinery.....	7	120,300	67,547	146,631	31,895	45	66
Monumental works.....	4	13,800	26,250	44,700	8,679	50	13
Pulp and paper.....	4	625,000	420,199	783,463	183,545	51	443
Silver-plated ware.....	3	24,000	31,530	66,041	13,058	43	31
Soup.....	2	8,900	5,800	10,750	3,210	36	9

a Ten mills.

b Eight mills.

c Six mills.

The returns for 1896, when compared with those for the preceding year, are, on the whole, unfavorable and indicate a decline in business activity. Of the 25 industries reported, 18 showed a decrease in the cost of material used, 6 an increase, while 1 showed no change. As to value of product, 15 showed a decrease, 9 an increase, and 1 no change. The total wage list was smaller in 17 industries and larger in 8. In 12 industries a decrease in the days in operation was shown, in 4 an increase, and in 9 no change. The number of hands employed in 1896 was greater in 3 industries, smaller in 17, and the same in 5 industries. The changes in the rates of wages since 1895 were very slight, most of the establishments reporting no change.

FACTORIES, MILLS, AND SHOPS BUILT DURING 1896.—The amount expended in building, repairing, and enlarging factories, mills, and shops in 1896 was \$1,055,900, or \$311,900 less than in 1895. There was also a decrease in the number of such buildings from 102 in 1895 to 77 in 1896, and in the number of persons employed in this work from 2,797 in 1895 to 1,470 in 1896.

STRIKES AND LOCKOUTS IN MAINE, 1887-1894.—This chapter consists of extracts from the Tenth Annual Report of the Commissioner of Labor.

HISTORY AND DEVELOPMENT OF VARIOUS INDUSTRIES.—This consists of a series of five articles on the tannery, earthenware, starch, ax and scythe, and steel shipbuilding industries, respectively. The last-named article contains illustrations of vessels and machinery built in the State.

RAILROAD EMPLOYEES.—This consists of a presentation of returns made by 22 railroad companies doing business in the State on the employment of labor and wages paid in 1896, and a comparison of these returns with those for the preceding year. The returns for 1896 show a total of 5,792 employees, exclusive of general officers, and a total wage list amounting to \$2,763,353.93. In 1895 there were 4,693 employees and a wage list amounting to \$2,268,357.86. One additional railroad was reported in 1896.

MASSACHUSETTS.

Twenty-sixth Annual Report of the Massachusetts Bureau of Statistics of Labor. March, 1896. Horace G. Wadlin, Chief. xvii, 748 pp.

This report treats of the following subjects: Part I, relation of the liquor traffic to pauperism, crime, and insanity, 416 pages; Part II, graded weekly wages, 292 pages; Part III, labor chronology, 1895, 40 pages.

RELATION OF THE LIQUOR TRAFFIC TO PAUPERISM, CRIME, AND INSANITY.—This part of the report was previously published under separate cover, and a digest of it appeared in Bulletin No. 8.

GRADED WEEKLY WAGES.—The treatment of this subject by the

bureau is so extensive that only a small portion of the statistics are included in the present volume. The quotations of graded weekly wages are arranged alphabetically, according to occupations, and the present report includes only such as appear under the letters A, B, and C. Future reports will continue the tables throughout the alphabet. This subject will then be followed by statistics of "Graded Prices in Massachusetts, other United States, and Foreign Countries."

In the present report the statistical tables are preceded by extracts from previous reports of the Massachusetts Bureau, which relate to the subjects of wages and prices.

The total number of quotations used in the statistics of graded weekly wages and prices is, in round numbers, 656,000, of which the wage quotations number 489,600, and the price quotations, 166,400. The following statement shows the distribution by States and countries of the wage and price quotations:

WAGE AND PRICE QUOTATIONS FOR MASSACHUSETTS, OTHER UNITED STATES, AND FOREIGN COUNTRIES.

States and countries.	Number of wage quotations for—			Number of price quotations.
	Males.	Females.	Both sexes.	
Massachusetts.....	251,500	36,200	287,700	109,500
Other United States.....	121,400	6,300	127,700	43,700
Foreign countries.....	58,000	16,200	74,200	13,200
Total.....	430,900	58,700	489,600	166,400

The number of employees represented in the wage quotations is not stated. One quotation may represent a single individual or several thousands. The quotations in the aggregate can not represent less than 500,000 employees, but they may cover five, ten, fifteen, or even twenty millions of employees. The quotations extend over the period from 1810 to 1891.

The statistical tables of graded weekly wages show the sex of the employees, the years when the wages were paid, the grade of wages, whether high, medium high, medium, medium low, or low, and the weekly wages in dollars and cents. These are arranged according to occupations and States and countries. A digest of the statistical information can not be made until the complete data relating to graded weekly wages have been published.

LABOR CHRONOLOGY, 1895.—This chapter contains a list of important acts of labor organizations and of other events relating to hours of labor, wages, and trades unions during the year, arranged according to subjects and in chronological order, a history of trades unions, and an abstract of labor laws passed in 1896.

number of employees, their occupations, average daily wages and yearly earnings, the hours of daily labor, the number of days worked during the year, and various other items.

Following is a brief analysis of some of the tables presented: In 2,251 establishments \$46,771,831 was paid in wages during 1895, which was an increase of \$5,885,110 over the amount paid in the same establishments during the preceding year. A considerable increase is also shown in the other items where comparisons are made for the same establishments. In 2,210 establishments the value of goods on hand January 1, 1896, was \$28,148,528, while on January 1, 1895, it was \$25,161,044; the value of materials on hand was \$29,666,163 on January 1, 1896, and \$26,810,659 on January 1, 1895. The total value of all goods made in these establishments from January 1, 1895, to January 1, 1896, was \$211,963,059, and the value of all materials used was \$116,836,281. The total capital invested in these establishments was \$177,809,334. During the year 1894, 2,105 establishments employed, on an average, 83,691 males and 15,842 females. In 1895, 2,232 establishments reported an average of 96,654 male and 17,786 female employees.

EMPLOYMENT OFFICES.—During the year 1896 the employment offices at Cincinnati, Cleveland, Columbus, Toledo, and Dayton received applications from employers for 3,078 males and 12,632 females. Applications for situations were made by 12,668 males and 15,030 females. Positions were secured for 2,781 males and 10,164 females. These figures show an increase in the amount of the business transacted by the employment offices over the preceding year.

CENSUS OF MASSACHUSETTS FOR 1895.

Census of the Commonwealth of Massachusetts, 1895. Volume I, Population and Social Statistics. 865 pp. (Prepared under the direction of Horace G. Wadlin, Chief of the Bureau of Statistics of Labor.)

Volume I of the report of the Massachusetts census for 1895 appears in five parts, as follows:

Part 1 (pages 1 to 68) contains statistics of population and legal voters; the population by towns, arranged alphabetically; a comparison of the population for 1885 and 1895, by towns; population and sex; a comparison of the population for 1885 and 1895, by sex.

Part 2 (pages 69 to 224) shows the number of families, the number of males and females, and the total population of each city and town, and the same facts for the several villages or sections of which each city or town is composed. The villages are shown by towns and in alphabetical order. There is presented in a brief manner the date of incorporation, or establishment, of every city and town in the State, together with changes in area, boundaries, etc. Following these historical facts relative to each city and town is given the population by each census between 1765 and 1895, a period of one hundred and thirty years.

Part 3 (pages 225 to 330) shows the number of polls and legal voters by counties, cities, and towns; also the percentage of native and foreign born voters of total voters. The political condition of the population is shown by sex and by age periods.

Part 4 (pages 331 to 790) shows the number of families by counties, cities, and towns, the size of families, and composition by sex; the number of occupied and unoccupied rooms, tenements, and dwelling houses, and the number of stories to dwelling houses and the materials of which constructed.

Part 5 (pages 791 to 865) classifies the population according to native and foreign born, color and race, and conjugal condition. It also shows the number of soldiers, sailors, and marines.

Each subject is presented in the form of statistical tables, showing the results of the enumeration for the State and by minor civil divisions (counties, cities, and towns). The tables in each case are followed by tabular analyses.

The following is a brief statement of some of the returns for the entire State:

Total population.....	2,500,183
Males.....	1,214,701
Females.....	1,285,482
Native born.....	1,735,253
Foreign born.....	764,930
Legal voters.....	560,802
Native born.....	422,676
Foreign born.....	138,126
Color and race:	
White.....	2,471,418
Colored.....	26,540
Indian.....	519
Japanese.....	34
Chinese.....	1,672
Conjugal condition:	
Single.....	1,385,030
Married.....	943,245
Widowed.....	165,650
Divorced.....	4,450
Unknown.....	1,808
Towns showing an increase in population since 1885.....	210
Towns showing a decrease in population since 1885.....	143

Since the census by the State in 1885 the population has increased 558,042, or 23.73 per cent.

In 1895, 48.58 per cent of the population were males and 51.42 per cent were females. In 1885, 48.03 per cent were males and 51.97 per cent were females, the proportion of females decreasing slightly during the decade.

Of the total population in 1895, 69.41 per cent were native and 30.59 per cent were foreign born. There was an increase in the relative number of foreign born during the decade, the per cent of the latter in 1885 being 27.13.

As regards political condition, it is shown that 22.43 per cent of the population were legal voters. Of the latter 75.37 per cent were native and 24.63 per cent were foreign born. By legal voters is meant not only registered voters but all who possess the legal qualifications of voters.

As to race and color, the census shows that, in 1895, 98.85 per cent of the population were white, 1.06 per cent were colored, 0.02 per cent were Indian, and 0.07 per cent were Chinese. The Japanese represented less than one one-hundredth of 1 per cent. In respect to conjugal condition, 55.40 per cent of the total population were single, 37.73 per cent were married, 6.62 per cent were widowed, 0.18 per cent were divorced, and 0.07 per cent were unknown.

The following statement summarizes the returns relating to families and dwellings:

Number of families.....	547,385
Average number of persons to a family.....	4.57
Males.....	2.22
Females.....	2.35
Number of dwelling houses.....	428,494
Occupied.....	397,633
Unoccupied.....	30,861
Number of tenements in occupied dwelling houses.....	573,958
Occupied.....	547,385
Unoccupied.....	26,573
Number of rooms in total dwelling houses.....	3,946,998
Occupied.....	3,568,385
Unoccupied.....	378,613
Persons to each room in occupied tenements.....	0.70

There were 547,385 families enumerated in the State in 1895. Dividing the total population by this number, it is found that the average size of a family is 4.57 persons. Of this average number, 2.22 represents males and 2.35 females.

The average number of persons to an occupied dwelling house was 6.29 and to a room 0.70. There were 310.97 persons, 68.08 families, and 53.30 dwelling houses to a square mile. This would make 2.06 acres to a person, 9.40 acres to a family, and 12.01 acres to a dwelling house.

Population and social statistics are continued in Volume II.

RECENT FOREIGN STATISTICAL PUBLICATIONS

GREAT BRITAIN.

Report on Contracts Given Out by Public Authorities to Associations of Workmen. 1896. vi, 346 pp. (Published by the Labor Department of the British Board of Trade.)

This report is the result of an inquiry made by a special investigator of the Labor Department, in pursuance of a recommendation made by the late royal commission on labor. The inquiry covers the United Kingdom, New Zealand, Victoria, Russia, France, and Italy.

The recommendation of the royal commission on labor contemplated an investigation of cases in which separate contracts were given by public authorities for materials needed and for work to be done, and where the latter only was given to associated bodies of workmen. The special investigator found that such cases were very rare, and that they were not as a rule practicable. He, therefore, devoted his report to all cases where the public authorities gave out contracts to cooperative associations.

The report is very complete, and includes, in addition to the descriptive matter, appendixes for the various countries containing copies of laws, regulations, and specifications relating to contracts with cooperative associations; tables showing names of cooperative associations and public authorities, dates, nature, value, etc., of contracts, wages paid, sources of information, and other data.

THE UNITED KINGDOM.—Only two cases are mentioned in the United Kingdom where contracts were made with associated bodies of workmen for labor only. The works and ways department of the Nottingham corporation gave contracts to the pavers and to the flaggers and curb layers for various classes of paving and for laying flags and curbs, respectively. These contracts, during twelve months, amounted to £1,100 (\$5,353.15) in the case of the pavers and £315 (\$1,532.95) in the case of the flaggers and curb layers. The other case was that of a cooperative society called the Assington Agricultural Association, which did some stone carting for the highway authorities during two years, at a price of about £10 (\$48.67) each year.

Public contracts involving both the performance of labor and the supply of material, or only the latter, were frequently given to cooperative associations. Some associations simply handle supplies, and are

known as "distributive," while others also engage in production and are known as "productive" associations.

The table following shows the distributive and productive cooperative associations that were known to have made definite contracts with various public authorities during recent years, and the amount of the contracts. In nearly every case the contract was given as the result of either public or limited competition—usually the former.

COOPERATIVE ASSOCIATIONS THAT HAVE MADE CONTRACTS WITH PUBLIC AUTHORITIES FOR LABOR AND MATERIALS DURING RECENT YEARS.

Cooperative associations.	Public authority.	When contracts were made.	Goods or services furnished.	Total amount of contracts.
DISTRIBUTIVE.				
Halifax Industrial Society.....	Town Council of Halifax.	1883-'4-'5-'6-'8-'9-'91-'2-'4-'5.	Clothing.....	\$14,519.58
Leicester Cooperative Society.....	Leicester Corporation and Board of Guardians.	1890 to 1895...	Boots, flour....	5,539.60
Huddersfield Industrial Society...	Corporation of Huddersfield.	1891 to 1895...	Caps, boots....	3,060.91
Bury Industrial and Equitable Cooperative Society.	Corporation of Bury.	1891 to 1893...	Caps, overcoats.	313.16
Scottish Cooperative Wholesale Society.	Glasgow Corporation and School Board, Barnhill Poorhouse, Govan School Board.	1892, 1894, 1895.	Clothing, preserves, brushes, printing.	6,182.58
Lancaster and Skerton Equitable Industrial Cooperative Society.	Lancaster Town Council and Asylum Board.	1893, 1895, 1896.	Clothing.....	1,275.60
Industrial Cooperative Society of Droyluden.	Corporation of Manchester.	1895.....	Clothing.....	1,395.77
Kilmarnock Equitable Cooperative Society.	Kilmarnock Infirmary.	1895.....	Bread.....	632.65
Workington Industrial Society....	Workington Infirmary.	1896.....	Groceries.....	(a)
Galaashiels Cooperative Store Society.	Burgh of Galaashiels.	1896.....	Trousers, great-coats.	(a)
PRODUCTIVE.				
Northamptonshire Productive Society.	War Office.....	1885 to 1887, 1889 to 1895.	Boots and shoes.	491,516.50
Cheaham Productive Society.....	War Office.....	1885, 1886.....	Boots and shoes.	21,098.71
Finedon Cooperative Boot and Shoe Manufacturing Society.	War Office.....	1886 to 1895.....	Boots and shoes.	524,910.42
Raunds Productive Society.....	War Office.....	1887, 1889 to 1893, 1895.	Boots and shoes.	419,248.98
Walgrave Productive Society.....	War Office.....	1887, 1889 to 1893, 1895.	Boots and shoes.	156,944.63
Tingdene Cooperative Boot and Shoe Manufacturing Society.	War Office.....	1888 to 1892.....	Boots and shoes.	235,777.06
Irthlingborough Productive Boot and Shoe Society.	War Office.....	1891, 1892.....	Boots and shoes.	36,816.70
Kingstead Britannia Cooperative Society.	War Office.....	1892 to 1895.....	Boots and shoes.	46,496.97
St. Crispin Productive Society.....	War Office.....	1892, 1893, 1895.	Boots and shoes.	59,857.95
Northamptonshire Productive Society.	Crown Agents for the Colonies.	1893 to 1896...	Boots and shoes.	15,462.49
Edinburgh Cooperative Printing Company.	Edinburgh Free Library.	1890.....	Catalogues, etc.	10,430.51
Cooperative Printing Society of Manchester, Newcastle-upon-Tyne, and London.	Corporation of Manchester.	1883, 1893.....	Printing and binding.	1,828.04
Hobden Bridge Fustian Manufacturing Cooperative Society.	Corporation of Manchester.	1890.....	Clothing.....	2,839.07
Cooperative Builders of Brixton...	London School Board.	1891 to 1894...	Building construction.	112,459.22
Cooperative Builders of Brixton...	London County Council.	1891.....	Building construction.	33,277.13
Rochdale District Cooperative Corn Mill Society.	(a)	1891 to 1895...	Provender, bran, flour.	232,477.53
Bristol Pioneers' Boot and Shoe Productive Society.	Bristol School Board.	1891 to 1895...	Boots.....	432.94

a Not reported.

COOPERATIVE ASSOCIATIONS THAT HAVE MADE CONTRACTS WITH PUBLIC AUTHORITIES FOR LABOR AND MATERIALS DURING RECENT YEARS—Cont'd.

Cooperative associations.	Public authority.	When contracts were made.	Goods or services furnished.	Total amount of contracts.
PRODUCTIVE—concluded.				
Paisley Cooperative Manufacturing Society.	Burgh of Paisley..	1892, 1893.....	Clothing.....	\$422.78
Nottingham Operative Tailors' Cooperative Society.	Corporation of Nottingham.	1892 to 1895...	Uniforms, overcoats, etc.	2,413.72
Cooperative Bass Dressers	War Office.	1894, 1895.....	Brooms and bass heads.	16,546.10
Cooperative Bass Dressers	London County Council.	1892, 1894, 1895.	Bass brooms and brushes.	1,532.95
Cooperative Bass Dressers	Board of Works, Lime House district; St. Giles' Vestry, Camberwell; Battersea Vestry.	1892 to 1895...	Brooms.....	5,226.62
Household Furnishing Company of New Castle-upon-Tyne.	New Castle City Asylum and Jarrow School Board.	1895.....	Brushes and chairs.	(a)
Cooperative Quarrying Association, Condorrat (Dumbarton).	Police Commissioners of Glasgow.	1895.....	Paving sets.....	4,374.96
Cooperative Quarrying Association, Condorrat (Dumbarton).	Town Council of Coatbridge.	1895.....	Rough metal....	101.39
Kettering Cooperative Building and Contracting Society.	Guardians of Kettering Union.	1895.....	Building construction.	1,163.09
Sheffield House-Painting and Decorating Society.	Corporation of Sheffield.	1895.....	Painting and decorating.	1,356.73

a Not reported.

The continuance of contracts from year to year, as shown in many cases, indicates that they were satisfactory to the public authorities. Other contracts, not mentioned in the above table, were made by public authorities with cooperative associations, but no precise information could be obtained in regard to them. As an illustration of the satisfactory nature of such contracts, it may be mentioned that, as shown in the table, the War Office made contracts with different productive associations during a period of eleven years for the supply of boots and shoes at an estimated cost of \$1,992,697.92.

NEW ZEALAND.—In New Zealand the great bulk of the public railway and road work, and much of the public building work, is carried out under what is known as the cooperative system. By this arrangement, which has existed for a number of years, the evils of the contract system through middlemen are avoided, and the work is let direct to the workmen, who thereby secure the profits which would otherwise go to a contractor. The system, which is fully described in the report, seems to be highly satisfactory to the authorities, the work is better and more cheaply done, and the men are better paid. The number of persons constantly employed under this system varies greatly, but averages about 2,000.

VICTORIA.—The "butty-gang" system of railway construction, adopted in 1892 in Victoria, is somewhat similar to the cooperative system of New Zealand. It was intended as a relief measure for the unemployed, by which they were enabled to work on Government railway construction on a cooperative plan. It proved advantageous to

the Government in saving time and cost, avoiding heavy claims by contractors, and facilitating alterations in the plans of construction in cases of unforeseen contingencies.

RUSSIA.—In Russia a system of cooperative labor by associated bodies of workmen, known as "artels," has existed for a long time. The first mention of artels is as early as the end of the fourteenth century. In some cases these artels are employed by the Government. In two of the cases mentioned a system of labor contracts, resembling that referred to by the labor commission, seems to have been tried with success. These institutions are, however, based upon the habits and traditions of the Russian people, and are necessarily dependent for their successful operation upon circumstances which must be considered to be peculiar to that nation.

FRANCE.—Ever since cooperative production was introduced in France in 1848 the help of the State has been given toward the development of such enterprises, both by means of financial assistance and by special facilities accorded such associations for undertaking work for public authorities. As an illustration, it is shown that, in making contracts up to a certain amount, associations of workmen are not required to give security, as is the case with contractors, for the due performance of the work. They are also given the preference over ordinary contractors when the offers are similar in amount. Through this encouragement cooperative associations have obtained public contracts of considerable value and covering a wide range of occupations, both from the Government and from municipalities. The city of Paris has been especially favorable toward these organizations.

In the report descriptions are given of 44 associations which were known to have obtained contracts from the Government departments and other public authorities. These associations comprise the following trades: File makers, optical instrument makers, musical instrument makers, tinsmiths, printers, carpenters, tile layers, cabinetmakers, clock makers, gas and electric light fitters and plumbers, house painters, upholsterers, masons, bricklayers, joiners, pavers, stonecutters, coach makers, locksmiths, wood carvers, stucco workers, plasterers, stonebreakers, granite workers, cement workers, gilders, foundry workers, rolling and wire mill workers, roofers, zinc workers, saddlers, photographers, etc. There are also associations which supplied military head gear, boots, belts, and other goods of a similar nature. Forty-five other cooperative associations are mentioned which are known to have had at some time contracts with public authorities, but which are now probably no longer in existence.

The only instance mentioned in which a cooperative association furnished the labor only was that of the Association du Journal Officiel. This association, which employs from 190 to 195 persons, attends to the work of printing the official journal of the Government. The arrangement has existed since 1881 and is reported to be very

satisfactory and to have resulted in a considerable gain to the Government.

ITALY.—Special legislation has also been enacted in Italy with the view of promoting the execution of public works by cooperative associations. These enactments include not only provisions dispensing with the deposit of securities by cooperative associations up to certain limits of value, but also provide, in suitable cases, for the separation of contracts for the supply of materials from those for the performance of labor. Notwithstanding these enactments the cooperative associations have, in practically every instance where work involved the supply of materials, furnished both the labor and the materials.

The report contains detailed descriptions of a large number of cooperative associations which have made contracts with the public authorities for the supply of labor and materials. A table compiled by the director of the Italian statistical department contains a list of 157 cooperative societies of production and labor to which contracts for public works were granted during the years 1889 to 1894, inclusive. During this period a total of 713 such contracts are shown in the list, involving altogether \$2,190,488.74.

Second, Third, and Fourth Annual Reports on Changes in Wages and Hours of Labor in the United Kingdom. 1894, xcv, 343 pp.; 1895, lxxvii, 208 pp.; 1896, lxxxi, 273 pp. (Published by the Labor Department of the British Board of Trade.)

These reports are the second, third, and fourth of a series published for the purpose of recording from year to year the principal changes in market rates of wages, recognized piecework lists, and standard hours of labor in the more important industries in the United Kingdom. The contents of the three reports are grouped as follows:

Second Annual Report, 1894: General report and summary, 20 pages; report on special groups of trades, 47 pages; summary tables, 21 pages; changes in rates of wages, detailed tables, 259 pages; changes in hours of labor, detailed tables, 11 pages; piece price lists, 28 pages; appendixes, 29 pages; indexes, 16 pages.

Third Annual Report, 1895: General report and summary, 15 pages; report on special groups of trades, 34 pages; summary tables, 20 pages; changes in rates of wages, detailed tables, 149 pages; changes in hours of labor, detailed tables, 11 pages; piece price lists and sliding scales, 27 pages; appendix, 8 pages; indexes, 13 pages.

Fourth Annual Report, 1896: General report and summary, 16 pages; report on special groups of trades, 31 pages; summary tables, 26 pages; changes in rates of wages, detailed tables, 227 pages; changes in hours of labor, detailed tables, 18 pages; piece price lists and sliding scales, 15 pages; indexes, 13 pages.

As the ground covered by the three inquiries as well as the statistical presentation is very nearly the same, the subject-matter of the

three reports is considered together in the synopsis which follows. The scope and method of inquiry pursued have been described in the digest of the first annual report of this series, which appeared in Bulletin No. 2. The changes recorded are based upon returns furnished by employers, employers' associations, trade unions, and other parties concerned.

CHANGES IN RATES OF WAGES AND HOURS OF LABOR.—The following comparative statement summarizes the principal data relating to changes in rates of wages and hours of labor, as shown for the years 1893 to 1896:

CHANGES IN RATES OF WAGES AND HOURS OF LABOR, 1893 TO 1896.

Items.	1893.	1894.	1895.	1896.
Changes in rates of wages:				
Increases	508	608	624	1,471
Decreases	198	171	180	136
Total	706	779	804	1,607
Separate individuals affected—				
By increases in rates of wages	142,364	175,615	79,867	382,225
By decreases in rates of wages	256,473	488,357	351,895	167,357
By changes leaving wages same at end as at beginning of year	151,140	6,414	4,956	58,072
Total	549,977	670,386	436,718	607,654
Average weekly increase in rates of wages	\$0.112	a \$0.330	a \$0.314	\$0.213
Changes in hours of labor:				
Increases	16	2	12	22
Decreases	139	219	129	223
Total	155	221	141	245
Separate individuals affected—				
By increases in hours of labor	1,530	128	1,287	73,016
By decreases in hours of labor	33,119	77,030	21,448	34,655
Total	34,649	77,158	22,735	108,271
Average weekly reduction in hours of labor	1.99	4.04	1.94	0.73

a Decrease.

With regard to the rates of wages, it is shown that the number of changes in each year has steadily increased, probably largely due to improvements in the means of collecting the information. In the years 1893, 1894, and 1895 the number of persons whose wages fell greatly exceeded the number whose wages rose; but in 1896 the number whose wages rose was more than twice the number of those whose wages fell. In regard to changes shown in the average weekly rates of wages per head, the increase in 1893 was due to abnormal conditions produced by a great coal dispute. There was a falling tendency in rates of wages in 1894 and 1895, and this was followed by a rise in 1896.

The number of changes in the hours of labor fluctuated from year to year, being greatest, 245, in 1896, and least, 141, in 1895. The number of changes resulting in decreases greatly exceeded the number resulting in increases during each of the four years, 1893 to 1896. The number of persons affected by changes in hours of labor rose from 34,649

in 1893 to 77,158 in 1894, when the eight-hour day was introduced into many of the Government establishments. In 1895 the number sank to 22,735, but in 1896 there was a rise to 108,271. The number of persons affected by decreases in the hours of labor greatly exceeded the number whose hours were increased during each of the years 1893, 1894, and 1895. In 1896, however, the conditions were reversed, largely accounted for by the London building trades, in which the readjustment of working rules involved a trifling increase in the average hours worked. The average number of hours of labor per week per employee showed a decrease during each of the four years.

The following table shows the number of employees affected by changes in the hours of labor, classified according to the extent of such changes per week, and for the years 1893 to 1896:

EMPLOYEES AFFECTED BY CHANGES IN HOURS OF LABOR, BY EXTENT OF CHANGE PER WEEK, 1893 TO 1896.

Change per week.	Employees whose hours were—							
	Increased.				Decreased.			
	1893.	1894.	1895.	1896.	1893.	1894.	1895.	1896.
Under 1 hour.....	480			71,899	5,538	2,086	2,961	4,871
1 or under 2 hours.....	803	43	431	144	9,800	4,141	9,675	10,095
2 or under 4 hours.....	247		17	1,016	15,058	37,535	5,235	11,939
4 or under 6 hours.....			150	252	1,491	9,536	1,926	2,200
6 or under 8 hours.....			500	250	1,011	20,504	1,229	3,301
8 hours or over.....		85	189	55	221	2,628	422	1,649
Total.....	1,530	128	1,287	73,616	33,119	77,030	21,448	34,655

It will be seen from the above figures that, in the case of 71,899 out of a total of 73,616 persons whose hours of labor were increased in 1896, the increase was less than one hour per week. As previously alluded to, this large number is accounted for by the London building trades, in which a readjustment of working rules involved a trifling increase in the average hours worked. In the case of changes of over one hour per week, the number of persons affected by decreases greatly exceeded the number whose hours were increased during each of the four years mentioned.

In the following table the number of changes in rates of wages during the years 1894, 1895, and 1896, and the number of individual employees affected, are shown by industries:

NUMBER OF INCREASES AND DECREASES IN WEEKLY WAGES, AND EMPLOYEES AFFECTED, BY INDUSTRIES, 1894 TO 1896.

1894.

Industries.	Changes.			Employees affected.			
	In- creases.	De- creases.	Total.	Wages in- creased.	Wages de- creased.	Wages same at end as at begin- ning of year.	Total.
Building	247	7	254	32,618	101	274	32,993
Mining and quarrying	25	35	60	98,491	437,938	2,778	539,202
Metal, engineering, and shipbuild- ing	73	68	141	18,344	39,384	893	58,621
Textile	44	32	76	8,662	3,936	2,135	14,732
Clothing	81	2	33	3,457	1,450	.....	4,907
Miscellaneous	75	23	98	4,894	5,408	339	10,701
Employees of public authorities	113	4	117	9,149	80	.....	9,229
Total	608	171	779	175,615	458,357	6,414	670,386

1895.

Building	217	.....	217	24,431	.....	.....	24,431
Mining and quarrying	22	87	59	14,127	313,192	.....	327,319
Metal, engineering, and shipbuild- ing	111	96	207	18,392	26,431	4,935	49,758
Textile	66	16	82	10,192	5,396	.....	15,588
Clothing	29	1	30	1,785	40	.....	1,825
Miscellaneous	72	29	101	4,101	6,740	21	10,862
Employees of public authorities	107	1	108	6,839	96	.....	6,935
Total	624	180	804	79,867	351,895	4,956	436,718

1896.

Building	280	3	283	88,922	24	.....	88,946
Mining and quarrying	29	23	52	3,061	149,175	54,000	207,136
Metal, engineering, and shipbuild- ing	764	74	838	240,777	13,043	4,072	257,892
Textile	55	17	72	7,122	2,834	.....	9,956
Clothing	81	2	33	2,697	700	.....	3,397
Miscellaneous	155	14	169	24,464	1,840	.....	25,804
Employees of public authorities	157	3	160	14,282	241	.....	14,523
Total	1,471	136	1,607	382,225	167,357	58,072	607,654

The returns for the year 1894 show that there were 779 changes in rates of wages, 608 resulting in increases and 171 in decreases. These changes affected 670,386 individuals, 175,615 gaining a net increase and 458,357 sustaining a net decrease. In the case of 6,414 individuals, the wages were changed during the year, but were the same at the close as at the beginning. Of the entire number of persons affected by changes, 539,202, or 80 per cent, were employed in the mining and quarrying industries.

During 1895, 804 changes in rates of wages were reported, 624 being increases and 180 being decreases. Of a total of 436,718 individuals ~~whose~~ wages were changed, 79,867 gained a net increase, 351,895 sus-

tained a net decrease, and in the case of 4,956 the wages were changed during the year, but stood at the same level at the end as at the beginning of the year. In the case of the building trades, all of the 217 changes reported, which affected 24,431 persons, resulted in increased wages.

The figures for 1896 showed 1,607 changes in the rates of wages, of which 1,471 were increases and 136 were decreases. These changes affected 607,654 individuals, of whom 382,225 gained a net increase and 167,357 sustained a net decrease. In the case of 58,072 the wages underwent changes during the year, but were the same at the close as at the beginning.

The following statement shows by industries for the years 1893 to 1896 the number of individual employees affected by changes in rates of wages, and the net results as shown by the average increase or decrease per head per week, respectively:

EMPLOYEES AFFECTED BY CHANGES IN RATES OF WAGES, 1893 TO 1896, BY INDUSTRIES.

Industries.	Employees affected by changes in rates of wages.				Average increase per head per week.			
	1893.	1894.	1895.	1896.	1893.	1894.	1895.	1896.
Building.....	44,538	32,093	24,431	88,946	\$0.360	\$0.345	\$0.411	\$0.502
Mining and quarrying.....	309,926	530,202	327,319	207,136	.228	a. 421	a. 461	a. 127
Metal, engineering, and shipbuilding.....	121,256	58,621	49,758	237,892	a. 218	a. 157	.005	.370
Textile.....	55,087	14,733	15,588	9,956	a. 086	.112	.046	.030
Clothing.....	3,599	4,007	1,825	3,397	.385	.335	.502	.314
Miscellaneous.....	5,404	10,701	10,802	23,804	a. 020	a. 076	a. 127	.416
Employees of public authorities.....	10,167	9,229	6,935	14,523	.380	.360	.390	.294
Total.....	540,977	670,386	436,718	607,654	.112	a. 330	a. 314	.213

a Decrease.

During the entire period of four years the groups of building and clothing industries and employees of public authorities showed a steady increase in the average weekly rates of wages per employee. The employees in the mining and quarrying industries appear to have suffered most in regard to reduction of rates of wages since 1893. In 1896 there was an increase of wages in all the principal industries except the last mentioned.

The changes in the hours of labor during the years 1894, 1895, and 1896, and the number of individual employees affected, are shown, by industries, in the table following.

NUMBER OF INCREASES AND DECREASES IN HOURS OF LABOR, AND EMPLOYEES AFFECTED, BY INDUSTRIES, 1894 to 1896.

1894.

Industries.	Changes.			Employees affected.			Decrease per employee in average weekly hours of labor.
	In-creases.	De-creases.	Total.	Hours in-creased.	Hours de-creased.	Total.	
Building	1	60	61	43	10,119	10,162	2.38
Mining and quarrying		5	5		1,957	1,957	3.41
Metal engineering, and ship- building		31	31		4,496	4,496	7.70
Textile		7	7		989	989	4.57
Clothing		7	7		962	962	4.97
Miscellaneous	1	65	66	85	12,194	12,279	4.14
Employees of public authorities		44	44		46,313	46,313	4.02
Total	2	219	221	128	77,030	77,158	4.04

1895.

Building	2	49	51	420	12,180	12,600	1.46
Mining and quarrying	1	4	5	3	2,341	2,344	3.80
Metal engineering, and ship- building	3	11	14	570	2,734	3,304	.02
Textile	1	8	4	77	359	436	2.64
Clothing		3	3		298	298	2.17
Miscellaneous	4	36	40	211	1,504	1,715	2.43
Employees of public authorities	1	23	24	0	2,032	2,038	5.32
Total	12	129	141	1,287	21,448	22,735	1.04

1896.

Building	8	79	87	69,830	9,900	79,730	0.06
Mining and quarrying	2	1	3	174	500	674	2.07
Metal engineering, and ship- building	8	39	42	450	6,945	7,395	1.28
Textile		2	2		125	125	3.85
Clothing	2	5	7	820	1,901	2,721	.62
Miscellaneous	3	60	63	271	12,298	12,569	3.71
Employees of public authorities	4	37	41	2,071	2,986	5,057	2.65
Total	22	223	245	73,616	34,655	108,271	.73

There were 221 changes reported in the hours of labor in 1894, of which all but two resulted in decreases. The changes affected 77,158 persons, of whom 77,030 had their hours decreased and 128 had their hours increased. A greater number was affected by decreases in the hours of labor in 1894 than during any other year for which data were obtained. This was due to the introduction of the average eight-hour day in Government establishments, which affected 46,313 of the employees reported.

In 1895, 141 changes in the hours of labor were reported, of which 12 were increases and 129 were decreases. These changes affected 22,735 persons, 1,287 of whom had their hours increased and 21,448 had their hours decreased.

The figures for 1896 showed a total of 245 changes, of which 22 resulted in increases in the number of hours of labor, affecting 73,616 employees, and 223 resulted in decreases, affecting 34,655 employees.

During each of the three years each group of industries showed a decrease in the average number of hours per week worked by an employee.

Returns regarding wages of agricultural laborers in England and Wales showed a downward tendency in 1894 and 1895, but in 1896 a change for higher wages was reported. The number of laborers in districts in which changes in the current rates of wages took place was 129,481 in 1894, 119,890 in 1895, and 99,329 in 1896. Of these, 107,000 in 1894, 92,334 in 1895, and 40,751 in 1896 were in districts in which wages fell, and 22,481 in 1894, 27,556 in 1895, and 58,578 in 1896 were in districts in which wages rose. The total net effect of these changes was a fall of £2,705 (\$13,164) per week, or 5d. (\$.10) per head, in 1894, and £2,629 (\$12,794) per week, or 5½d. (\$.11) per head, in 1895, and a rise of £383 (\$1,864) per week, or 1d. (\$.02) per head, in 1896, on all laborers in the districts in which wages changed. Calculated on the total number of agricultural laborers in England and Wales, the fall per head was ¾d. (\$.015) in 1894 and 1895, as compared with a rise of ⅛d. (\$.003) per week in 1896.

The information presented regarding changes in rates of wages of railway employees in 1894, 1895, and 1896 was derived mainly from returns furnished by their trade unions.

The rates of wages during the three years did not, so far as ascertained, undergo any marked changes, but there appeared to be a slight upward tendency. With regard to the hours of labor, there seemed to be a tendency toward a decrease. Changes in hours of labor are of two classes—(1) those resulting from representations by the board of trade under the railway-regulation act of 1893, where there were reasonable grounds for complaint on account of excessive hours, and (2) other changes.

In 1894 information was received of changes of wages affecting 3,004 persons, of whom 2,968 had increases and only 36 decreases. These figures represent the number of persons whose rates of pay were altered, but it does not necessarily follow that they all benefited or lost during the actual year 1894. There were 98 cases of reduction in hours of labor resulting from representations by the board of trade. The changes reported from other sources affected 540 railway employees, all of whom had their hours reduced, the average reduction being 12 hours per week.

In 1895, 558 unions of railway employees made returns, of which 139 contained particulars of changes of wages and hours of labor and 419 unions had no changes to report. The changes in rates of wages affected 823 persons, but in the case of 228 the changes affected individual workers only. Of the remaining 595 work people, 389 had a rise and 206 suffered a fall in wages. There were 71 cases of reduction in hours of labor resulting from representations by the board of trade. Changes reported from other sources affected 5,103 railway employees, 5,007 of whom had their hours decreased and 96 had them increased. The average reduction for the year was 5 hours per week.

In 1896, 422 trade unions made returns regarding changes in wages and hours of labor of railway employees. Of these, 116 contained particulars of such changes and 306 had no changes to report. Altogether 1,217 persons were reported as affected by changes in rates of wages, but in the case of 144 the changes merely affected individual workmen. Of the remaining 1,073 persons, 1,000 had their wages advanced and 73 had them reduced. The hours of labor were reduced in 50 cases where representations had been made by the board of trade. Returns from railway employees' unions show 98 cases of hours reduced and 13 of hours increased. So far as returned, the reductions affected 1,058 persons and the increases 44 persons. The average net reduction per week per employee was $8\frac{1}{2}$ hours.

The data presented for 1894 and 1895 regarding seamen show a slight fall, while those for 1896 show a slight rise in wages.

PIECE PRICE LISTS AND SLIDING SCALES.—Piece price lists adopted or revised in 1894 are given for the shipbuilding, quarrying, cotton-weaving, lace, boot and shoe, clog, tailoring, printing, glass-bottle, and brush-making industries, and for dock labor. Piece price lists for 1895 are given for the shipbuilding, cotton-weaving, hosiery, boot and shoe, clog, tailoring, printing, and glass-bottle industries. Sliding scales are shown for the coal-mining industry, blast-furnace men, and iron and steel workers. Piece price lists for 1896 are given for the metal trades, cotton-spinning, cotton-weaving, hosiery, boot and shoe, clog, tailoring, printing, glass-bottle, basket, and brush industries, and for dock and river-side labor. One new sliding scale for coal miners is shown.

GERMANY.

Drucksachen der Kommission für Arbeiterstatistik: Erhebungen Nr. X. Zusammenstellung der Ergebnisse der Ermittlungen über die Arbeitsverhältnisse in der Kleider- und Wäsche-Konfektion. 110 pp.

This is the tenth of a series of investigations conducted by the commission on labor statistics of the German Empire. The nine preceding reports were reviewed in Bulletin No. 4. This report contains the results of an investigation into the labor conditions of garment workers. It treats of the garment industry according to the nature of the goods made, the localities where certain lines prevail, systems of work and employment, irregularity of employment, labor contracts and wage payments, earnings, and sanitary and moral conditions surrounding the garment workers. An appendix contains extracts from laws regulating garment work in Switzerland, Austria, England, France, and the United States. The information was obtained partly by the testimony of witnesses before the commission and partly by personal investigations by officials.

The report covers 13 manufacturing centers, 835 workshops and factories, and 4,143 dwellings where home work was done. Under the

head of garment-making industry are included men's, boys', and women's clothing, cloaks, blouses, and overalls, light summer garments, and men's and women's furnishings, such as shirts, collars, cuffs, underwear, etc.

Three systems of work are considered, namely, factory work, shop work, and home work. Factory work, in connection with home work, is most common in the manufacture of men's furnishings, such as shirts, collars, cuffs, linen shirt fronts, and similar articles. Women's linens and underwear, laborers' blouses and overalls, and light summer clothing are also made in this way, but to a comparatively small extent. This system is unknown in the men's and boys' clothing industry. Shop work, in connection with home work, through the medium of the same contractor, is found in all branches of the clothing industry in Berlin, Stettin, Breslau, and Erfurt.

Single men are, as a rule, employed in workshops and factories, married people at home work, and single females at factory, shop, and home work.

Coats and overcoats are made almost exclusively by males; pants, vests, overalls, and light summer garments are made mostly by females; while women's garments and all linens and underwear are made almost exclusively by females.

As to regularity of employment, those engaged in the manufacture of linens and underwear are least affected by changes of season. In the men's and boys' clothing industry work is almost entirely suspended for about 3 months each year. In the women's clothing industry, which consists chiefly of cloak making, employees work on full time for only about 6 or 7 months per year, and work is almost entirely suspended for 2 or 3 months.

The average hours of actual labor range from 9 to 11 per day in the factories and from 12 to 13 per day in the workshops. It is difficult to estimate the average working time of home work on account of the many interruptions occasioned by domestic duties. It is about 13½ to 14½ hours per day of actual labor. Sunday work, as a rule, is done only during a very busy season. At such times garment workers are engaged from 2 to 5 hours during the morning.

The rates of wages of time workers are, as a rule, uniform throughout the year, while those of piece workers vary with the demand. The earnings vary greatly with the nature of the work and the locality.

As to general health, the garment workers are unfortunately situated. Persons adopting this trade are generally those who are physically weak or are in poor health. The sanitary condition of workshops is not what may be desired. Overcrowding is frequent, and ventilating appliances are very rarely found. Of 350 factories and workshops visited in Berlin, over one-half had less than 16 cubic meters (565 cubic feet) of air space per person; 5 per cent had 6 cubic meters (212 cubic feet), and some had only 3 and 4 cubic meters (106 and 141 cubic feet) air space

per person. Of 3,046 dwelling workshops visited, about 1,000 were simultaneously used as living rooms, an equal number as kitchens, and about 900 were also bedrooms. In the remaining cases the workshops were used for two or more other purposes.

The danger of dwelling or tenement work as a medium for the spread of contagious diseases was also a subject of investigation. In the above-named dwelling workshops there were during two years 40 cases of diphtheria, 19 of measles, 23 of scarlet fever, and 5 of consumption.

As to the moral condition of garment workers, the commission found that females employed in this branch of industry compared favorably with those engaged in other vocations.

DECISIONS OF COURTS AFFECTING LABOR.

[This subject, begun in Bulletin No. 2, will be continued in successive issues, dealing with the decisions as they occur. All material parts of the decisions are reproduced in the words of the courts, indicated when short by quotation marks, and when long by being printed solid. In order to save space, immaterial matter, needed simply by way of explanation, is given in the words of the editorial reviser.]

DECISIONS UNDER STATUTORY LAW.

CONSTITUTIONALITY OF STATUTE—FELLOW-SERVANT ACT OF TEXAS—*Missouri, Kansas and Texas Ry. Co. v. Hannig*, 41 *Southwestern Reporter*, page 196.—Action was brought in the district court of Clay County, Tex., by William Hannig against the above-named railway company to recover damages for injuries received while in the employ of said company as a section hand. Hannig recovered a verdict and the railway company appealed the case to the court of civil appeals of the State, which rendered its decision May 12, 1897, and affirmed the judgment of the lower court.

The title of chapter 91, acts of 1893 (23d legislature), page 120, reads as follows:

An act to define who are fellow-servants and who are not fellow-servants, and to prohibit contracts between employer and employees, based upon the contingency of the injury or death of the employees, limiting the liability of the employer for damages.

The first and second sections of the act define who are and who are not fellow-servants, and the third section reads as follows:

SEC. 3. No contract made between the employer and employee, based upon the contingency of death or injury of the employee, limiting the liability of the employer under this act, or fixing damages to be recovered, shall be valid and binding.

This case depended upon the above-mentioned act, and one of the assignments of error made by the railway company in its appeal was that the act should have been declared unconstitutional under the provisions of section 35 of article III of the constitution of Texas, which reads as follows:

SECTION 35. No bill (except general appropriation bills, which may embrace the various subjects and accounts, for and on account of which moneys are appropriated) shall contain more than one subject, which shall be expressed in its title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed.

The court of civil appeals, in affirming the decision of the lower court, overruled the point made as above and used the following language concerning it in its opinion, which was delivered by Chief Justice Tarlton:

The act of the twenty-third legislature (page 120), known as the "fellow-servants act," is not unconstitutional on the ground that it embraces more than one subject, both being expressed in the title. The prohibition referred to in the caption [title] and covered by the third section of the act does not constitute a different subject, but is merely auxiliary to the main purpose of the act authorizing a recovery by employees when injured by the master's negligence. In other words, the prohibition referred to in the title and in section 3 of the act is but one phase of the subject expressed in the title.

CONSTITUTIONALITY OF STATUTE—LIABILITY OF CITY FOR DAMAGE BY MOB—*Pennsylvania Company v. City of Chicago, and Yazoo and Mississippi Valley R. R. Co. v. Same*, 81 Federal Reporter, page 317.—These were actions on the case against the city of Chicago, brought by the above-named companies, in the United States circuit court for the northern district of Illinois, under section 256a of chapter 38 of the revised statutes of Illinois of 1895. Said section reads as follows:

Whenever any building or other real or personal property, except property in transit, shall be destroyed or injured in consequence of any mob or riot composed of twelve or more persons, the city, or if not in a city, then the county in which such property was destroyed shall be liable to an action by or in behalf of the party whose property was thus destroyed or injured, for three-fourths of the damages sustained by reason thereof.

There is nothing in the report of these cases, as found in the Federal Reporter, to show whether the causes of action arose during a labor disturbance or a strike, but the clerk of the circuit court, in response to a communication from the Department of Labor, says: "According to the brief reference in the declaration in *Pennsylvania Company v. City et al.*, the destruction of the property complained of occurred during the riots of July 6, 1894." These riots grew out of the great "Chicago strike" of June-July, 1894. The circuit court rendered its decision June 1, 1897, and decided that the statute above quoted was constitutional and valid.

The opinion of the court was delivered by District Judge Grosscup, and the following is quoted therefrom:

The declaration avers the possession of property by the plaintiffs and its destruction within the city of Chicago, at the time named, in consequence of a mob of twelve or more persons, and there is in its averment substantially nothing more. The declaration in no feature proceeds upon any grounds of negligence or misconduct upon the part of the city or any of its agencies, nor upon the ground of any contract

relation between the city and the plaintiffs. The defendant pleads that it in fact exercised all its power to prevent the loss complained of; that the State of Illinois and the United States of America, equally with the city of Chicago, were interested and engaged in protecting the property eventually lost, and that the city of Chicago has no property or funds, except such as can hereafter be raised by taxation, to meet the payment of such losses. The plaintiffs have demurred to these pleas, the consideration of which carries the case back to the declaration.

The statute upon which the case proceeds is one of indemnity, pure and simple, and can be sustained only upon the principle that a State may rightfully and constitutionally compel its subdivisions, such as counties or cities, to indemnify against losses arising from mobs and riots within their limits, independently of any misconduct or negligence upon the part of such city or county, to which the loss can be attributed. The statute in question burdens the taxpayers of the city to reimburse the losses suffered within its limits by means of a mob of twelve or more persons, independently entirely of any connection, other than that arising from locality, between the city and such losses. The question thus raised has been argued with great ability by counsel for the city, and, if the question were an original one, or had not been disposed of by such weight of authority, I might have come to a conclusion different from that which I shall now announce. The same question has been before the courts of last resort. New Hampshire: *Underhill v. Manchester*, 45 N. H., 214. New York: *Darlington v. Mayor, etc.*, 31 N. Y., 164. Pennsylvania: *Allegheny v. Gibson*, 90 Pa. St., 397. In each of these cases the constitutional validity of similar statutes has been upheld. The doctrine announced in these cases has likewise received the approval of Judge Cooley. (Cooley, *Taxation*, 480.) The right of a State to impose such a burden upon a municipality is touched upon in the opinion, though not involved in the decision, of the Supreme Court of the United States in *Louisiana v. Mayor, etc.*, of city of New Orleans, 109 U. S., 285, 3 Sup. Ct., 211, where it is said:

"The right to reimbursement for damages caused by a mob or riotous assemblage of people is not founded on any contract between the city and the sufferers. Its liability for the damages is created by a law of the legislature, and can be withdrawn or limited at its pleasure. Municipal corporations are instrumentalities of the State for the convenient administration of government within their limits. They are invested with authority to establish a police to guard against disturbance; and it is their duty to exercise their authority so as to prevent violence from any cause, and particularly from mobs and riotous assemblages. It has, therefore, been generally considered as a just burden cast upon them to require them to make good any loss sustained from the acts of such assemblages which they should have repressed."

The above quotation, it is true, is obiter dicta; neither is it at all clear that the court had in mind any other than a case where, by the exercise of any or all of the city's legitimate powers, the mob could have been repressed. But there is a bearing in the intimation, taken in connection with the preceding authorities, especially in the absence of any countervailing decision, which seems to carry the sanction of the court (United States Supreme Court) to the constitutionality of such statutes; at least there is enough to prohibit a trial court from declaring the statute unconstitutional, except upon grounds the clearness and stability of which are beyond question. Upon these considerations, I feel it my duty to sustain the demurrers.

EIGHT-HOUR LAW—RIGHT OF ACTION OF LABORER IN EMPLOY OF THE UNITED STATES FOR COMPENSATION FOR ADDITIONAL HOURS—*Coleman v. United States*, 81 Federal Reporter, page 824.—This suit was brought in the United States district court for the district of Kentucky, and the decision of said court was rendered June 1, 1897.

All the facts in the case and the reasons for the decision are given in the opinion of the court, which was delivered by District Judge Barr, and which reads as follows:

In this case the plaintiff alleges that—

"On the — day of February, 1888, he was employed as a laborer on a dredge boat on the Louisville and Portland Canal, in the State of Kentucky, for the United States, at a salary of \$40 per month, and continued to discharge the duties of such position as laborer on said dredge boat at said place and at said salary until the 3d day of September, 1890, when he was relieved from duty on said canal, and he has not done any work for the United States since that time. That, during the time above referred to, he discharged the duties of laborer on said dredge boat, and was so employed and performed the duties of said laborer, and that he was compelled to, and did, work and labor as such laborer during each and every day of said time, Sundays excepted, and was on duty and worked each day for ten hours, and not less. That he never had any special agreement or contract with the United States, or with any of its officers, department officials, or representatives, that he was to work or be on duty for ten hours per day for the same sum per month as specified above, nor did he ever agree to work ten hours a day for the same amount of salary and pay as for eight hours a day. That, contrary to law, he was compelled to, and did, work, and was on duty each day of said time, Sundays excepted, for two hours longer than a legal day's work, to wit, eight hours per day; and the United States then and there received the benefit and accepted his said two hours of labor during each day of his said time, Sundays excepted. The United States then and there became indebted to the petitioner upon an implied contract for the value of said two hours additional work and labor during said time. That said additional labor so received during said time was and is of the value of \$1,000. Said sum is still due and unpaid."

To this petition the United States have filed a general demurrer. Section 3738, Rev. Stat., declares: "Eight hours shall constitute a day's work for all laborers, workmen, and mechanics who may be employed by or on behalf of the Government of the United States;" and the question under this demurrer is whether or not this provision of the law gives the petitioner, Coleman, a right of action for the extra time over the eight hours per day for which he was employed.

The Supreme Court, in *United States v. Martin*, in considering this statute, says:

"We regard the statute chiefly as in the nature of a direction from the principal to his agent that eight hours is deemed to be a proper length of time for a day's labor, and that his contract shall be based upon that theory. It is a matter between the principal and his agent in which a third party has no interest." (94 U. S., 404.)

Subsequent to this employment, to wit, by an act approved August 1, 1892, Congress declared that "the service and employment of all laborers and mechanics * * * upon any of the public works of the United States * * * is hereby limited and restricted to eight hours in any

one calendar day, and it shall be unlawful for any officer of the United States * * * or any such contractor or subcontractor whose duty it shall be to employ, direct, or control the services of such laborers or mechanics, to require or permit any such laborer or mechanic to work more than eight hours a day, except in case of extraordinary emergency," and prescribes that the person who violates this provision of the law shall be guilty of a misdemeanor, and punished upon conviction. The provisions of this act, however, do not have any application to the case at bar, as all contracts made prior to its passage are expressly excluded, but it (the act) is material in considering how Congress construed the act of 1868 (which is now section 3738), and shows, we think, quite clearly that that act was never intended to give the laborer or workman or mechanic a right of action, or to raise an implied contract, if they should work more than the time.

The fact, as alleged, that this party was paid a salary of \$40 a month, and there being no allegation that the money was not received regularly, and no allegation that he protested either at the time of receiving the money or during the time when the work was performed, precludes, we think, any right of action now. The mere allegation of the petition that he never made any special agreement or contract with the United States, or with any of its officers, that he was to work or to be on duty for ten hours per day for the sum specified, nor that he ever agreed to work for ten hours per day for the same amount of salary and pay as for eight hours, is not sufficient to raise an implied contract, and give him a right of action for the extra two hours per day. Even if the construction of the statute herein indicated is too broad, and the petitioner is entitled to its benefit, he would have no right of action now, since the Government or its agents should have had notice, by protest or objection, that the petitioner, who had agreed to labor at a salary of \$40 per month, claimed that the agreement required that he should only work eight hours a day of each day for the month. We conclude as the statute did not make a contract between the United States and the petitioner that a day's work should be eight hours, that the receipt of the money, the \$40 a month, as compensation for his month's labor, precludes any recovery now.

The act of 1868 was not a contract between the Government and its laborer that eight hours shall constitute a day's work. It did not prevent the Government from making agreements, either express or implied, by which a day's labor could be more or less than eight hours a day; nor does it prescribe the amount of compensation for that or any other number of hours labor. This is clearly decided in *United States v. Martin*, supra. We conclude therefore that the demurrer should be sustained.

EIGHT-HOUR LAW—RIGHT OF LABORER TO RECOVER COMPENSATION FOR ADDITIONAL HOURS—*Billingsley v. Board of Commissioners of Marshall County*, 49 *Pacific Reporter*, page 329.—Action was brought in the district court of Marshall County, Kans., by S. C. Billingsley against the board of county commissioners. A judgment was rendered for the defendant, and the plaintiff brought the case on writ of error before the court of appeals of the State, which rendered its decision June 16, 1897, and affirmed the judgment of the lower court.

No statement of facts appears in the case further than that contained in the opinion of the court, which was delivered by Judge Wells, and which reads as follows:

The only question in this case is whether a person can contract with a county to do certain clearly specified and described work for a certain specified sum monthly, perform the services, and receive pay therefor under the contract, and then, after the expiration of the contract and all renewals thereof, upon a showing that in the performance of said contract more than eight hours of labor a day were required and by him performed, collect of said county pay for such excess over eight hours a day, under the provisions of chapter 114, laws 1891. In the consideration of this question, let us assume, as claimed by plaintiff in error, that the object of this law is: First, to shorten the hours of labor for the employed; second, to give the unemployed a better chance to get work, and then inquire how either of these objects is to be aided by allowing one man to contract to do a day and a half's work each day, and then collect for the excess. It seems to us that the allowance of the plaintiff's claim would directly tend to defeat both.

It is a familiar rule that a thing may be within the letter of a statute, and yet not within the statute, because not within its spirit or intention. But in this case the claim of the plaintiff is not within the letter of the law. The law referred to makes it unlawful for any county or any contractor therewith to require or permit any person to work more than eight hours per day under any contract with it, except in cases of extraordinary emergency, as therein designated. In this case there was no claim of any such emergency as contemplated in the exception. We are therefore presented with this alternative: Either the plaintiff in error violated the letter and spirit of the law in question, and now insists on being paid for doing so, or that chapter does not apply to cases of this kind. Each of these positions is equally fatal to the plaintiff's claim. It is an elementary principle of law that a person can not base a cause of action upon his own wrong.

In the case at bar, if the services performed came within the scope of said chapter 114, then it was unlawful for the plaintiff to work more than eight hours each day, and it was unlawful for the commissioners to allow him to do so; and he by his act violated the law, and subjected the commissioners, if not himself, to a criminal prosecution, and now asks to profit by it. The writer of this is of the opinion that the law in question only applies to people who work by the day, and not to those taking contracts of a certain amount of work for so much money. Chief Justice Horton, speaking for the supreme court in *State v. Martindale*, 47 Kans., 150, 27 Pac., 852, says: "The words 'laborers, workmen, mechanics, and other persons,' in section 1, chapter 114, evidently do not embrace any officer or employee for whom an annual salary has been specifically named and appropriated by the legislature. Further, chapter 114 is a penal statute, and must therefore be strictly construed. It can not be extended by construction." The decision of the court below will be affirmed.

EMPLOYERS' LIABILITY—RAILROAD COMPANIES—FELLOW-SERVANTS—*Wright v. Southern Ry. Co. et al.*, 80 *Federal Reporter*, page 260.—This action was brought in the United States circuit court for the western district of North Carolina by one Wright against the above-named railway company to recover damages for personal injuries incurred while in the employ of said company. The injuries he complained of were incurred some time prior to February 23, 1897, the date of the passage by the legislature of North Carolina of an act regarding the liability of railroad companies for injuries to their employees, which act reads as follows:

SECTION 1. Any servant or employee of any railroad company operating in this State, who shall suffer injury to his person, or the personal representative of any such servant or employee who shall have suffered death in the course of his services or employment with said company by the negligence, carelessness, or incompetency of any other servant, employee, or agent of the company, or by any defect in the machinery, ways, or appliances of the company, shall be entitled to maintain an action against such company.

SEC. 2. Any contract or agreement, expressed or implied, made by any employee of said company to waive the benefit of the aforesaid section shall be null and void.

SEC. 3. This act shall be in force from and after its ratification.

The plaintiff, by his counsel, claimed that while his injury might have been caused by the negligence of a fellow-servant, which under the common law would have prevented him from recovering damages, yet this act changing the common law on that point should be construed to have a retroactive effect and should be held to apply and govern in his case. The United States circuit court rendered its decision April 30, 1897, and on this point it decided adversely to the plaintiff's contention.

In the opinion of said court, delivered by District Judge Dick, the following language was used in considering this point:

The counsel of plaintiff, in their argument, called the attention of the court to the recent statute of this State changing and modifying the legal doctrines in regard to fellow-servants established in the Federal courts and some State courts by judicial decisions founded upon the general principles of the common law. They confidently insisted that, as such statute was manifestly remedial in its nature, and conformed in some degree to the law on the subject announced by the supreme court of this State, it should be construed to have a retroactive effect in this case, at least to the extent of carrying into application the principles of the common law as declared by the supreme court of the State as to the relations of fellow-servants.

The statute may be expedient, just, and salutary in its objects and purposes, and it shows a manifest legislative intent to remedy what was regarded as existing evils arising from extra State judicial decisions; but, as the statute contains no express provision for retrospective operation, I must conclude to observe the general and sound rule for the construction of statutes, and give this State statute only prospective operation. I may well presume that, if the State legislature had intended to make this important statute retroactive, the purpose would

have been clearly, directly, and positively expressed in the body of the statute. If the legislature, in express terms, had given this statute a retrospective operation, then questions of law as to its constitutionality would have been presented to the courts. I will not consider such questions further than to say that, in my opinion, a retrospective operation of the statute in this case would clearly and injuriously affect vested rights acquired by contract, and impose new liabilities, which were not in existence and were not contemplated by the parties, when they entered into the relation of master and servant for the operation of the railway. At the time this cause of action arose the nonresident corporation defendant was entitled by the laws of the United States to have its obligations, duties, and liabilities passed upon in a Federal court, and be determined by the principles of law declared and established by the Supreme Court of the United States.

EMPLOYERS' LIABILITY—RAILROAD COMPANIES—FELLOW-SERVANTS, ETC.—*Boston and Maine R. R. Co. v. McDuffey et al.*, 79 *Federal Reporter*, page 934.—Action was brought in the United States circuit court for the district of Vermont by the widow and children of James B. McDuffey against the above-named railroad company for damages for the death of said McDuffey, who, while on his engine as a locomotive engineer in the employ of said company, was killed by collision with another train at Capleton, in the Dominion of Canada. A judgment was rendered for the plaintiffs, and the defendant company brought the case on a writ of error before the United States circuit court of appeals, second district, which rendered its decision April 8, 1897, and reversed the judgment of the lower court.

The points upon which the decision was made are of no particular interest, but in the course of the opinion, delivered by Circuit Judge Lacombe, one interesting point was decided in favor of the plaintiffs. The following, quoted from the opinion, shows the facts in the case and the point above referred to:

The defendant, a Massachusetts corporation, operated a continuous line of railroad from White River Junction, in Vermont, to Sherbrooke, in the Province of Quebec. McDuffey was a citizen of Vermont, resident at Lyndonville, in that State, where he entered into the employment of defendant, at first as fireman, afterwards as engineer. For about three years he drove the engine of a freight train between points wholly in the State of Vermont. In July, 1892, he was, at his own request, employed to drive an engine drawing a passenger train between White River Junction, Lyndonville, and Sherbrooke. It was while thus employed that he met his death, on March 12, 1894. It was contended that defendant had failed to supply reasonably safe appliances, in that a water tank on the tender was insecurely fastened, but the jury, to whom special questions were submitted, found against the plaintiffs on that issue. The jury further found that two of McDuffey's fellow-servants, viz, Robinson, the conductor of his train, and Mower, the engineer of the colliding train, were negligent, and that such negligence caused the catastrophe.

The Civil Code of Lower Canada (article 1056) provides as follows: "In all cases where the person injured by the commission of an offense, or a quasi offense, dies in consequence, without having obtained indemnity or satisfaction, his consort and his ascendant and descendant relations have a right, but only within a year after his death, to recover from the person who committed the offense, or quasi offense, * * * all damages occasioned by such death."

It is not disputed that Robinson and Mower were fellow-servants with McDuffey. Had this accident occurred in Vermont, and McDuffey survived, the fact that the negligence which caused the collision was, as the jury has found, that of a fellow-servant, would have prevented recovery.

The law of Canada was proved as a fact in the circuit court. Besides article 1056, already quoted, the following articles from the Civil Code were read:

"ART. 1053. Every person capable of discerning right from wrong is responsible for the damage caused by his fault to another, whether by positive act, imprudence, neglect, or want of skill.

"ART. 1054. He is responsible not only for the damage caused by his own fault, but also for that caused by the fault of persons under his control, and by things which he has under his care. * * * Masters and employers are responsible for the damage caused by their servants and workmen in the performance of the work in which they are employed."

The expert called for plaintiffs testified without contradiction that, as construed by the Canadian courts, these articles applied to corporations, and that, where an accident causing injury to a servant was the result of the negligence of a fellow-servant, the employer would nevertheless be liable in damages to the injured person, and, in the event of his death within the time prescribed, to the persons to whom article 1056 gave the right of recovery [wife, children, etc.].

It is contended by plaintiff in error, however, that the law of Vermont is to be applied here, and that since it appears from the special verdict that the efficient cause of the accident was the negligence of a fellow-servant, plaintiffs can not recover. In other words, does the law of Canada or the law of Vermont determine the question of liability for the consequence of this accident?

This is not an action to recover upon a contract, but for damages resulting from a tort committed elsewhere than in the State where the action is brought. The right of action accrued where the tort was committed, and it is to enforce such right of action that suit is brought. It is sufficient to refer to *Railroad Co. v. Babcock*, 154 U. S., 190, 14 Sup. Ct., 978 (citing, with approval, *Herrick v. Railroad Co.*, 31 Minn., 11, 16 N. W., 413), as authority for the proposition that "in such cases the law of the place where the right was acquired or the liability was incurred will govern as to the right of action; while all that pertains merely to the remedy will be controlled by the law of the State where the action is brought. And we think the principle is the same whether the right of action be *ex contractu* or *ex delicto*."

The question whether or not an injured servant shall have a right of action for damages against a negligent master, when such master's negligence has been committed through the instrumentality of another servant, is one which deals with the right of action itself, not with the remedy. In our opinion, it makes no difference that the contract by which the relation of master and servant was established was made in Vermont. Conceding that it is to be assumed that, under such contract

of employment, McDuffey assumed the risks incident to the negligence of his fellow-servants on so much of his run as lay within that State, where such negligence gives no right of recovery for resulting injuries or death, it does not follow that he agreed thereby to assume like risks when running his engine in Canada, where the statutes gave a right of recovery therefor.

INTERPRETATION OF STATUTE—ASSIGNABILITY OF PREFERRED CLAIMS FOR WAGES—*Falconio v. Larsen*, 48 *Pacific Reporter*, page 703.—Action was brought in the circuit court of Multnomah County, Oreg., by Donny Falconio against E. S. Larsen to establish certain claims for wages. Judgment was rendered for the plaintiff, and the defendant appealed the case to the supreme court of the State. Said court rendered its decision May 1, 1897, and affirmed the judgment of the circuit court.

The opinion of the supreme court was delivered by Judge Wolverton, and the following, quoted therefrom, shows the facts in the case and the principal points of the decision:

The purpose of this action is to establish 98 different and distinct claims, ranging in amount from \$1.25 to \$100, preferred by certain laborers and employees against the estate of E. S. Larsen, an insolvent debtor, for labor and services rendered the said Larsen within ninety days prior to the date of his assignment for the benefit of his creditors, and is prosecuted under the provisions of an act entitled "An act to protect employees and laborers in their claims for wages," approved February 20, 1891. Larsen was a contractor for the construction of a ditch for irrigating purposes in Wasco County, and the claimants were laborers, and in that capacity performed work, labor, and services thereon at his special instance and request. Each of them made a statement of his claim under oath, in all respects as required by the statute, and presented the same to the assignee within thirty days after the assignment. Some twenty days later, Larsen filed exceptions thereto, and thereafter they were all assigned by the claimants to Donny Falconio, who brings this action, setting forth in his complaint as many different causes of action as there were original claimants. It is alleged that each of said claims was assigned for collection, and that the amount collected is to be paid to the respective claimants.

The principal question suggested by the controversy is touching the assignability of claims of laborers, the preferment of which the enactment is designed to promote. No contention is made but that the claimants might each for himself have prosecuted an action in his own name of the nature here adopted to establish his individual claim; but it is insisted that the preference which the law raises is a privilege strictly personal to the claimant, and one which he alone can exercise; that the mode or process by means of which he may avail himself of the privilege is specifically pointed out by statute, and, being a procedure unknown to the common law, it should be strictly followed in the establishment of the preferential right, and, until fully perfected, it is not in any event assignable. The statute, in so far as it concerns the case at bar, is in effect as follows:

That hereafter, whenever any assignment for the benefit of creditors

shall be made, the debts owing to laborers or employees, which have accrued by reason of their labor or employment, to an amount not exceeding \$100 to each employee for work and labor performed within 90 days next preceding the assignment, shall be considered and treated as preferred debts, and such laborers and employees shall be preferred creditors, and shall first be paid in full; but, if there be not sufficient to pay them in full, then the same shall be paid to them pro rata after paying costs. Any such laborer or employee desiring to enforce his claim for wages under sections 1, 2, and 3 of this act, shall present a statement under oath, showing the amount due after allowing all just credits and set-offs, the kind of work for which said wages are due, and when performed, to the assignee, within 30 days after the property shall have been placed in the hands of such assignee. (The form of the statement is given, and runs in the first person.) And thereupon he shall serve upon the debtor, or upon his assignee where personal service can not be had, a copy of such claim, and thereafter it shall be the duty of the assignee to report the amount of such claim or claims to the court having jurisdiction, together with a statement of all costs occasioned by the assignment; and such court shall order said claims to be paid after payment of costs and expenses of the assignment, out of the proceeds of sales of the property assigned: *Provided*, That any person interested may contest such claim or claims, or any part thereof, by filing in said court exceptions thereto, supported by affidavit; and thereupon the claimant shall be required to establish his or her claim by judgment in such court before any part thereof shall be paid. When any claim is excepted to, the person desiring to establish the same shall file in said court his verified complaint, as in an action at law, and serve the same upon the person excepting and the principal debtor, and thereafter the cause shall proceed to final judgment between said parties as an action at law. Section 2 provides for the adjustment of costs and attorney's fees, and section 3 that the assignee shall not be discharged until every claimant presenting his or her claim under the provisions of the act shall have been paid in full or pro rata, or shall have consented to the discharge.

The act creates a new right, and prescribes a remedy for its enforcement. In so far as it imposes a burden upon specific property, it should be strictly construed; but, where the right is clearly given, the interpretation should be such as will promote, rather than impede or destroy, the remedy, so as to meet, if reasonably within the terms of the statute, the exigencies which impelled the enactment. In other words, a remedy is the concomitant of a right; and, where a new right is established, its usefulness depends upon the means of its enforcement, so that, when the legislature attempts to prescribe a remedy, it will be presumed that it intended to adopt such a one as will effectuate the purpose, and the interpretation of the remedial enactment will be such as to promote the intentment as fully as the language employed will admit. The undoubted purpose of the act was to constitute the laborer or employee a preferred creditor, as it pertains to the property of his employer seized upon by any process, or passing to a receiver or assignee. Under all the conditions enumerated, the property is placed in custodia legis, and thereafter it is administered in pursuance of law; and the act in question imposes an additional burden upon it, and subjects it, first, after the payment of certain costs, to the payment of the labor claims designated.

The enactment does not create a lien, but invests the laborer or employee with all the rights and privileges incident to the relation of preferred creditor, and directs the order of payment out of a fund which is already in the custody of the law, for the purpose of

administration, in subordination to its rules and regulations. The act declares that hereafter, when the property of any person shall be seized, etc., such laborers or employees "shall be preferred creditors, and shall first be paid." (Acts 1891, p. 81, sec. 1.) Thus, the legislature has inseparably coupled the preference with the event, which inures instantaneously upon the happening thereof, to the benefit of the designated classes. It is a substantive right, created by edict, and not the right to acquire it by the doing of certain things or the observance of any conditions. The property is charged, *ipso facto* the happening of the seizure or the assignment, with the prior payment of the debts of laborers or employees, which have accrued under the conditions contemplated. With the right or preference thus clearly established, it remains to examine the manner of its enforcement, and to determine to what extent the remedy must be pursued as a personal privilege.

Manifestly, the statute comprehends only such debts as are owing to the laborers or employees at the date of the seizure or assignment, and these debts are denominated "claims for wages." Now, it is provided that any such person desiring to enforce such a claim shall, in case of an assignment, present a statement, made out and verified in the form and manner prescribed, to the assignee, within thirty days after the property has been placed in his hands, and serve a copy upon the debtor. Such is the method by which a claimant may avail himself of his preference. Thus far it would seem that the privilege is personal to the laborer or employee, as he may adopt the remedy if he desires within the statutory period, or he may waive it as a debtor may waive his exemptions from seizure upon execution, by not claiming them in due season from the officer having the property in charge. When a claim is thus presented, a duty is devolved upon the assignee to report it to the court, and upon the court to direct its payment first, after the payment of the costs and expenses of the assignment, out of the proceeds of the sale of the property. But it further provided that any person interested may contest such a claim by filing exceptions thereto, and thereafter it is made incumbent upon the claimant to establish the same by filing a verified complaint, as in an action at law, and that thereafter the cause shall proceed to judgment between the parties.

We take it that the matter which is here made the subject of litigation and contest is the debt, and it is the province of the court to determine the nature, and what, if any, [of] such debt has accrued and remains unpaid; but whether or not the claim has been properly made out or verified or presented, and whether within the prescribed time, are purely questions of law that have necessarily to be passed upon, whether there is a contest or not. So that the purpose of the contest is not to establish the preference, but the claim. The preference is established when the privilege is exercised by a due presentment of the verified statement. Now, it will be conceded that the claim, aside from the preference which may be denominated a "personal privilege," is assignable, and, under the code practice, may be sued upon by the holder in his own name; but, when the privilege is exercised, the preference becomes an incident of the debt, which is thereby constituted a preferred claim, and when the debt is assigned the incident accompanies it. So we see no reason why the assignee of the debt may not file a complaint in his own name to establish the claim, as he might do upon the simple demand, and, if established, the preference abides with it still, as an incident.

The right of exercising the privilege in claiming the preference we hold to be personal; but, when exercised by the presentation of the

statement, the preference becomes an incident of the debt or claim for wages, and may be assigned; and henceforth the action may be prosecuted in the name of the legal owner and holder of the claim if contested. This interpretation is manifestly in consonance with the spirit of the act. It was designed to protect a deserving class of individuals, who are usually dependent upon their recent earnings for the sustenance of themselves and those dependent upon them, and it was undoubtedly the purpose of the legislature to make the wages of labor speedily available, and the assignment of their preferred claims would more frequently promote the purpose than otherwise. Judgment affirmed.

DECISIONS UNDER COMMON LAW.

BENEFICIAL ASSOCIATIONS—RIGHT OF ACTION BY MEMBER—*Martin v. Northern Pacific Beneficial Association*, 71 *Northwestern Reporter*, page 701.—One Joseph A. Martin was a member of the above-named association, which was unincorporated and composed of officers and employees of the Northern Pacific Railway Company, the object of said association being to provide relief for its members when disabled by accident or sickness, and at their death for their families. He was injured by an accident, and thereupon he was taken to the hospital of the association for medical treatment, pursuant to the constitution and by-laws of the association, where, through neglect and maltreatment, he died. His wife, Margaret K. Martin, as administratrix, sole heir, and next of kin, brought suit against said association in the district court of Hennepin County, Minn., to recover damages suffered by reason of his death in the manner aforesaid. The association demurred to her complaint and the court issued an order sustaining said demurrer. From this action the plaintiff appealed to the supreme court of the State, which rendered its decision June 15, 1897, and affirmed the action of the lower court.

The opinion of the supreme court was delivered by Judge Buck, and from the same the following, showing the reasons for the decision, is quoted:

There is no allegation or pretense that this association is a corporation. It is merely a combination or association of individuals, and no one was to be liable except for assessment, with the right to surgical care and treatment in case of injury while in the employment of the railroad company. The suit is one at law for a tort. As the deceased was a member of the association, he must be deemed to have been as much a party to the selection of the physicians and nurses at the hospital and its management as any other member of the society. No member had any greater or less rights or obligations than the deceased. The employees at the hospital were just as much the servants of Mr. Martin as they were of all or any other one of his associates, and he could not bring a suit against another for a personal wrong done him by such servant, because it would be as much the act of Martin as that of his associates. If a tort has been committed upon the person of Mr. Martin by the employees of the association, the remedy is against ~~the~~ ^{those} who committed it, either separately or jointly, and not against

the association. Martin was in the hospital by virtue of his membership in the association. He had the same interest in the whole subject-matter of its operation and management as any other member. This being so, he, as one of the members of the association, could not have maintained such an action, and hence his personal representative can not do so.

Counsel for appellant cite General Statutes, 1894, section 5177, as authority for maintaining this action against defendant under their firm name. That section provides that when two or more persons associate in business, and transact such business under a common name, they may be sued by such common name, and, when judgment is obtained, it shall bind the joint property of all the associates in the same manner as if all had been named as defendants. That rule would be applicable where the plaintiff had a cause of action against those who were associated and doing business under a common name, but it does not apply to the case at bar, because plaintiff has no cause of action against the association, either upon contract or tort.

In the case of *McMahon v. Rauhr*, 47 N. Y., 67, it was held that part of the members of an unincorporated association could not sue the rest at law, on the contract of the association. To the same effect is *Burt v. Lathrop*, 52 Mich., 106, 17 N. W., 716. If a suit at law on contract against such an unincorporated association will not lie, certainly one based upon tort committed by some of its members can not be upheld.

EMPLOYERS' LIABILITY—CONTRIBUTORY NEGLIGENCE—*Laseh v. Stratton et al.*, 42 Southwestern Reporter, page 756.—This case was appealed from the circuit court of Jefferson County, Ky., to the court of appeals of the State, and the decision of said court was rendered October 6, 1897, and reversed the decision of the lower court, which had rendered a judgment for Stratton et al., the defendants above named. The plaintiff brought the suit for damages for injuries sustained while in the employ of the defendants, caused, as was shown by the evidence, by a defective machine at which he was working. The defendants alleged contributory negligence on his part, and that he was therefore not entitled to damages.

On this point the court of appeals used the following language in its opinion, which was delivered by Judge Guffy:

It is earnestly contended by counsel for appellees that the evidence shows contributory negligence upon the part of the appellant, or at least his knowledge of danger was such as to preclude his right to recover. It will be seen from the evidence that the appellant, a minor, had knowledge that some time before his injury other servants had been injured by the machine which he was operating; but it is also shown by the testimony that appellant notified the foreman of appellees, who had charge and management of the factory, that the machine was dangerous, or at least expressed a fear of it, but he was assured by the foreman that the machine was all right and not dangerous; and it further appears that the appellant relied upon the assurance of the foreman and commenced operating the machine.

It seems clear to us, upon both reason and authority, that in this case

appellant had the right to rely upon the assurance of the agent of the master as to the safety of the machine, and that appellant was not in any sense guilty of contributory negligence.

EMPLOYERS' LIABILITY—DUTIES OF THE MASTER—ASSUMPTION OF RISK BY EMPLOYEE—*Mangum v. Bullion Beck and Champion Mining Company, 50 Pacific Reporter, page 834.*—Action was brought in the district court for the fifth district of Utah, by Willis L. Mangum against the mining company above named, to recover damages sustained while in its employ. The facts appear to be that the plaintiff, while being lowered in the cage down the shaft of the mine, was, through some defect in the machinery, thrown down and severely injured by the violent and sudden stopping of the cage; that the defect in the machinery caused the cable by which the cage was suspended to vibrate; that it was this vibration of the cable which, in the opinion of expert witnesses, caused the cage to stop at the time of the accident, and that the plaintiff was aware of this vibration before he entered the cage on the trip during which he was hurt. A judgment was rendered in the district court in favor of the plaintiff, and the defendant company appealed the case to the supreme court of the State, which rendered its decision October 30, 1897, and affirmed the decision of the district court.

In the opinion of the supreme court, which was delivered by Judge Bartch, the law upon certain interesting points is laid down as follows:

While the employer is not required to furnish machinery and appliances for the use of his servant which are absolutely safe, or to furnish the best which can possibly be obtained, still it is his duty to exercise ordinary and reasonable care and diligence to obtain and furnish such as are reasonably safe, and reasonably well adapted to perform the work for which they are intended, and such as the servant may, with the exercise of ordinary prudence and care, use in the performance of his work with reasonable safety to himself; and it is likewise the employer's duty to exercise reasonable care in operating the same, and to keep them in suitable condition and repair.

The mere fact that the respondent [Mangum] was aware that the cage was shaking, and not running smoothly, is not sufficient to justify us in holding that he had assumed the risk, and there is no evidence to show that the defects were of such an obviously dangerous character that he ought to have appreciated the risk, and ceased his employment, or that a man of reasonable precaution, placed under similar circumstances, would have done so. It is shown that the plaintiff was not skilled in mechanic arts, had never worked in a machine shop, and never had anything to do with machinery, except in this mine. Therefore he had the right to rely, at least to a reasonable extent, on the judgment of his employer, who is presumed to have a knowledge of the machinery used in his business, and to assume that he would discharge his duty by furnishing reasonably safe machinery and keeping it in proper condition and repair. Where an employee has knowledge

of defects in machinery used in his employment, and the defects are not so dangerous as to threaten immediate injury, or the danger is not such as to be reasonably apprehended by him, his continuance in the service will not defeat a recovery for injuries resulting from such defects. If, however, the defects are so obviously and immediately dangerous that a person of ordinary prudence and precaution would refuse to use the machinery, then, if the servant continues its use, he assumes the risk.

"Mere knowledge of the defect is not sufficient, unless it does or should carry to a servant's mind the danger from which he suffered. A servant may assume that the master will do his duty; and therefore, when directed by proper authority to perform certain services, or to perform them in a certain place, he ordinarily will be justified in obeying orders, subject to the qualification that he must not rashly or deliberately expose himself to unnecessary and unreasonable risks which he knows and appreciates. It is one thing to be aware of defects, and another to know and appreciate the risks resulting therefrom." (Thomas Neg., 851.)

In *Patterson v. Railroad Co.*, 76 Pa. St., 389, Mr. Justice Gordon, delivering the opinion of the court, said: "In this discussion, however, we are not to forget that the servant is required to exercise ordinary prudence. If the instrumentality by which he is required to perform his service is so obviously and immediately dangerous that a man of common prudence would refuse to use it, the master can not be held liable for the resulting damage. In such case the law adjudges the servant guilty of concurrent negligence, and will refuse that aid to which he would otherwise be entitled. But where the servant, in obedience to the requirement of the master, incurs the risk of machinery, which, though dangerous, is not so much so as to threaten immediate injury, or where it is reasonably probable it may be safely used by extraordinary caution or skill, the rule is different. In such case the master is liable for a resulting accident."

In *Lee v. Railroad Co.*, 101 Cal., 118, 35 Pac., 572, the supreme court of California, respecting the risk of an employee, said: "It is not only necessary that an employee should know of the defect in the machinery in order to hold that he assumed the risk, but the danger arising from the defect must also be known or reasonably apprehended by him." So in *Railroad Co. v. Herbert*, 116 U. S., 642, 6 Sup. Ct., 590, Mr. Justice Field said: "The servant does not undertake to incur the risks arising from the want of sufficient and skillful collaborators, or from defective machinery or other instruments with which he is to work. His contract implies that in regard to these matters his employer will make adequate provision that no danger will ensue to him. This doctrine has been so frequently asserted by courts of the highest character that it can hardly be considered as any longer open to serious question."

We find no reversible error in the record. The judgment is affirmed.

EMPLOYERS' LIABILITY—NEGLIGENCE OF EMPLOYER—*Knickerbocker Ice Co. v. Finn*, 80 Federal Reporter, page 483.—William Finn, an employee of the above-named ice company, recovered a verdict in the United States circuit court for the southern district of New York in an action against said company for damages caused by the kick of a horse

belonging to said company. The ice company appealed the case to the United States circuit court of appeals for the second circuit, which rendered its decision May 3, 1897, and sustained the judgment of the circuit court.

The following, quoted from the opinion of the circuit court of appeals, shows the important part of the decision:

The defendant's remaining point is that the plaintiff was, in driving the horse, disobeying a rule of the defendant, and was therefore guilty of contributory negligence. The defendant had a rule, on paper, which Finn knew, and which prohibited any employee, except the drivers themselves, from driving the horses. There was ample evidence that this rule was, and was known by the company to be, a dead letter. The defendant insisted that the plaintiff ought not to recover, because at the time he was hurt he was acting in violation of this rule.

The court [circuit court] charged as follows:

"If there was a rule of that character in force, and the plaintiff was violating it at the time he received this injury, he is not entitled to recover; but if you come to the conclusion that, although there was such a printed regulation, it was not enforced, it was a dead letter, that everybody connected with the company knew that the helpers were expected on occasions to drive the defendant's horses, and that the plaintiff was injured while driving upon one of these occasions, then the rule is no defense."

To the correctness of this charge, both in morals and in law, there can be no valid objection. An employer can not be permitted to set up as a valid defense against the consequences of his own negligence the employee's violation of a rule which the employer had knowingly permitted to be practically abandoned. The judgment of the circuit court is affirmed.

INJUNCTION—INTIMIDATION OF EMPLOYEES—DAMAGES—*O'Neil v. Behanna et al.*, 37 *Atlantic Reporter*, page 843.—A bill for an injunction and damages was filed in the court of common pleas of Fayette County, Pa., by one Margaret O'Neil, doing business as the Fayette City Coal Works, against Noah Behanna and others. There was a decree for the defendants on a report of a master in chancery, and the plaintiff appealed the case to the supreme court of the State. Said court rendered its decision July 15, 1897, and reversed the decision of the lower court.

The only statement of facts in the case is that given in the opinion of the supreme court, which was delivered by Judge Mitchell, and from which the following is quoted:

We are obliged to differ wholly from the view of the facts reported by the learned master. It is totally irreconcilable with the testimony, read in the light of experience and a knowledge of human nature. Nor can we agree entirely with the view of the court below, though it is in accordance with the evidence and the law. The learned judge, in his opinion, says: "The testimony establishes the fact that certain

of the defendants overstepped these bounds, and used annoyance, intimidation, ridicule, and coercion to prevent new men from engaging in work for the plaintiff. When the new men were followed, and importuned not to work, from their point of embarkation to their destination, and there met by the strikers in considerable numbers, and followed to their lodging places, all the time being pressed and entreated to return, and called 'scabs' and 'blacklegs,' and sometimes surrounded, and the effort made to pull them away, and unfriendly (at least) atmosphere about everywhere, it must be admitted that there was something more than mere argument and persuasion and the orderly and legitimate conduct of a strike. This was certainly serious annoyance, and well calculated to intimidate and coerce; and that effect was apparently produced on more than one occasion. Nor did such acts entirely end when the men imported actually began work, but such men were on occasions, and in a less public manner, approached in a like manner in their intervals of labor, and advised that there would be trouble there and they had better leave. No actual violence, however, was employed."

This is a mild and judicially restrained statement of what the evidence clearly showed. The strikers and their counsel seem to think that the former could do anything to attain their ends, short of actual physical violence. This is a most serious misconception. The "arguments" and "persuasion" and "appeals" of a hostile and demonstrative mob have a potency over men of ordinary nerve which far exceeds the limits of lawfulness. The display of force, though none is actually used, is intimidation, and as much unlawful as violence itself.

An attempt is made to argue that the strikers only congregated at the place of arrival of the new men, in accordance with the custom at boat and train arrivals in small towns. But this disguise is too flimsy to hide the real purpose. If they desired in good faith to meet peaceably and lawfully for their own business, they should have selected another place, sufficiently remote to be free from the excitement and crowds which, their own testimony admits, attended the arrival of the new men, and also far enough away to avoid the intimidating effect of a hostile crowd on the newcomers. But, in truth, they did not desire to avoid that effect. On the contrary, that was what they were there for, and their presence indicates their real intentions too plainly for any verbal denials on their part to offset.

It is further urged that the strikers, through their committees, only exercised ("insisted on" is the phrase their counsel use in this court) their right to talk to the new men, to persuade them not to go to work. There was no such right. These men were there presumably under contract with the plaintiff, and certainly in search of work, if not yet actually under pay. They were not at leisure, and their time, whether their own or their employer's, could not lawfully be taken up and their progress interfered with by these or any other outsiders, on any pretense or under any claim of right to argue or persuade them to break their contracts. Even, therefore, if the arguments and persuasion had been confined to lawful means, they were exerted at an improper time, and were an interference with the plaintiff's rights, which made the perpetrators liable for any damages the plaintiff suffered in consequence. But, in fact, their efforts were not confined to lawful means. The result of the evidence, as stated by the learned judge, is that the new men were "followed and importuned not to work, from their point of embarkation to their destination, and there met by the strikers in considerable numbers, * * * called 'scabs' and 'blacklegs,' and sometimes surrounded and the effort made to pull them away." This view is quite

sufficiently favorable to the defendants, and, as already said, a hostile and threatening crowd does not need to resort to actual violence to be guilty of unlawful intimidation. The acts of these defendants were an unlawful interference with the rights of the new men, and with those of the plaintiff.

In *Cote v. Murphy*, 159 Pa. Stat., 420, 28 Atl., 190, it is said by our brother dean that "it is one of the indefeasible rights of a mechanic or laborer in this Commonwealth to fix such value on his services as he sees proper, and under the constitution there is no power lodged anywhere to compel him to work for less than he chooses to accept," nor, as the same right may be stated with reference to this case, to prevent his working for such pay as he can get and is willing to accept. We regard the testimony as demonstrating that the defendants were guilty of an unlawful combination, which, while professing the intention and trying to maintain an outward appearance of lawfulness, was carried out by violent and threatening conduct, which was equally a violation of the rights of the new men who came to work for plaintiff, and of the plaintiff herself, and that they are liable in this suit for all the damages which plaintiff suffered thereby.

Not the least notable feature is the expression of surprise by the counsel, and even by the court, that the case was pushed after the strike was over. It appears to be a fact that the strike was less violent and disorderly than others which had preceded it, and a sentiment seems to have pervaded the community—even the court not being entirely exempt—that, the strike being over, the subject had better be dropped. This is not law nor justice. A plaintiff who might have been hurt worse than he was may be inclined not to push his claim for compensation for the injury actually received; but it is for him, and not for others, and especially not for courts, to make the choice, and there should be no judicial surprise if he insists on his rights, though other men may think discretion the better part of valor. Decree reversed, bill reinstated, and damages directed to be ascertained in accordance with this opinion.

INJUNCTION—INTIMIDATION OF WORKMEN BY LABOR UNIONS—*Consolidated Steel and Wire Company v. Murray et al.*, 80 *Federal Reporter*, page 811.—This was a suit in equity brought in the United States circuit court for the northern district of Ohio, eastern division, by the above-named company against Patrick Murray and others, to enjoin them from interfering with said company and its employees. Said court rendered its decision May 8, 1897, and issued a temporary injunction.

The facts in the case and the reasons for the decision are given in the opinion of the court, delivered by District Judge Sage, which reads as follows:

The complainant is a corporation organized under the laws of the State of Illinois, with its principal place of business in the city of Chicago. It is engaged in the State of Illinois, in the city of Cleveland, Ohio, and elsewhere, in the manufacture of steel wire and wire nails.

In the city of Cleveland it owns and operates a large plant and mill, having about a half million dollars invested in its business, and employing, when running up to full capacity, about 500 men as operatives. Prior to April, 1896, it had contracted with a full complement of men for the operation of its mill and plant, and, it is set forth in the bill, had made a satisfactory agreement with each of said men as to the price of his labor for the period of one year. Complainant's contracts were sufficient to continue its mill and plant in full operation for that period. The bill sets forth that for several weeks prior to April, 1896, the defendants, including P. J. Mundie Lodge, No. 1, and Banner Lodge, No. 2, of the Rod-mill Workers of America—voluntary organizations—through their officers, agents, members, and employees, notified complainant and its employees that complainant was not paying wages to its employees in accordance with the so-called "Cleveland scale," and undertook to compel said employees to become members of said lodges, or one of them, and to enforce the payment of wages by complainant in accordance with the "Cleveland scale;" that the complainant refused to recognize the right of said defendant lodges, or their members, officers, agents, or employees, to interfere with it in the management of its said business, and the employees of complainant refused to become members of said lodges, or either of them; that thereupon the said lodges, through their officers, members, agents, or employees, declared a strike in the mill and plant of complainant, and attempted to, and did, by force and violence, restrain many of complainant's employees from entering the complainant's works and engaging in the duties which they had contracted to perform; and that in many cases said employees were by the defendants assaulted and beaten, and by force and violence prevented from approaching or entering upon the complainant's premises.

By reason of the acts aforesaid, and of continuous, uninterrupted attempts of defendants to compel complainant to recognize the said lodges or unions, and the scale of prices dictated by said lodges or unions, and to coerce its employees to become members of said lodges, or one of them, complainant, in the month of April, 1896, determined to, and did, close indefinitely its mill and works in the city of Cleveland, and they remained closed until about the 1st day of March, 1897, when they were opened, and complainant offered employment to such laborers as might be acceptable to it for the positions which it had at its disposal. Thereupon the defendant lodges, acting through their officers, agents, members, and employees, began to attempt to coerce the laborers and employees engaged in the operation of said mill and works to become members of said lodges, or one of them, and to force complainant to pay wages according to the "Cleveland scale," arbitrarily fixed by said lodges, and other lodges, of said Rod-mill Workers of America, and they have continuously since that time, without interruption, persisted in attempting to so coerce and force complainant and its laborers and employees.

It is further averred in the bill that no contract rights existed between the complainant and said lodges, their officers, agents, members, or employees; that complainant at all times refused to recognize in any manner whatsoever said lodges, their officers, agents, members, or employees, none of whom are now employees of complainant, nor have they been in complainant's employment, "at least since the month of April, 1896."

It is further averred that the defendants and others daily congregate in large numbers, in and about complainant's works, in their attempt to

coerce complainant's employees to become members of said lodges, or one of them; that in numerous instances complainant's employees have been attacked by defendants and brutally beaten; that, by threats and otherwise, defendants and others have endeavored to compel said employees to desist from performing their contracts with complainant, and to refuse to work for complainant; that defendants and others persisted in following complainant's employees on their way home, and in intercepting them in lonely places, beating and maltreating them, greatly endangering life and limb, and depriving them of the freedom guaranteed to them by the constitutions of the United States and of the State of Ohio; that defendants have been engaged and are engaging in said acts solely for the purpose of compelling complainant to recognize said organizations or lodges, and to submit itself to their dictation in the matter of the payment of wages, and also in the matter of hiring and discharging employees. The bill then proceeds to allege a conspiracy on the part of defendants for the unlawful purpose of preventing complainant from operating its mill and works in the city of Cleveland, excepting by the employment of persons members of said lodges, or other lodges, of said Rod-mill Workers of America, and by the dismissal of its present force of employees, who are willing and anxious to work for complainant, and that in furtherance of said conspiracy the defendants, with others, are and have been congregating each morning and evening at and near the mill and works of complainant and in the streets leading thereto, and in large numbers, for the avowed purpose of inducing complainant's employees to leave its employment, threatening personal violence if they refused, and that in furtherance of said conspiracy they continuously maltreated, attacked, and injured complainant's employees; that the police powers of the city of Cleveland have been invoked, and, although a detail of policemen was in constant attendance for three days prior to the filing of the bill in and about said works, it was unable to restrain or prevent said violent and unlawful acts.

Complainant further avers that at the time of the filing of the bill it had at work in its mill and works about 275 sober, industrious men, who were satisfied with the wages they were receiving and willing and anxious to continue in complainant's employment; that defendants have threatened and were threatening to blow up and destroy, by the use of dynamite and other dangerous agencies, complainant's mill and works, and that by reason of the aforesaid violent and unlawful acts and threats it is unable properly to operate its mill and works; that the lives and limbs of persons in its employ were constantly threatened and in danger, as was its property; that the said authorities were unable to protect said employees and said property from the damage and injury constantly done and threatened by defendants.

The bill further sets forth that the complainant and its employees are entitled, under the constitutions and laws of the United States and of the State of Ohio, to the free and unrestricted exercise of their personal rights; that is to say, to the right of complainant to employ as it may see fit in connection with its said mill and the right of its employees to work and labor for complainant's desire, without the let, hindrance, or disturbance of any us, or associations whatsoever. The bill further sets forth that complainant's employees desire to continue in its employ, and are willing to accept the wages stipulated for their labor for the support of their families, and that there are large numbers of

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other men who are out of employment, and are seeking employment from complainant, and who are in need of the wages they would earn thereby, which complainant is ready and willing to pay, provided said men can be protected from the violent and unlawful acts of the defendants.

The bill further sets forth that the complainant has outstanding large contracts for its products to various persons and companies, which it will be prevented from fulfilling if defendants be permitted to continue so as aforesaid to unlawfully interfere with complainant's business, and that, unless complainant is permitted to operate its works in accordance with law, damages accruing by reason of complainant's inability to fulfill said contracts will be very large, and cause great loss to complainant; that the defendants, and each of them, are financially irresponsible and insolvent, and the complainant is without adequate remedy at law against any and all of them for any damages it may suffer by reason of their unlawful actions as aforesaid. The bill concludes with a prayer for an injunction and for other proper relief.

Upon complainant's application, on the 9th of April, a preliminary restraining order was issued in accordance with the prayer of the bill, to continue in force until the hearing and disposition of complainant's motion for a temporary injunction, which was set for hearing on the 22d of April. For the complainant 38 affidavits are filed, and for the defendants 47 affidavits. The affidavits for the complainant fully support the averments of the bill, and the circumstances of many cases of assault and maltreatment are detailed with the names of the defendants concerned therein. On account of their number and length it will be impracticable to refer specially to each affidavit, either of those for the complainant or of those for the defendants. Each individual defendant makes affidavit denying any acts of intimidation or violence attributed to him, and enters upon a general denial, which is substantially the same in all the affidavits. It is that at no time during the periods mentioned in the bill did he congregate, with others, at or near the entrance to the complainant's works, for the purpose of intimidating or threatening or using violence or force upon any of its employees, agents, or servants, and that at no time has he hindered or delayed the complainant, or its agents, servants, or employees in the operation of its mill or the conduct of its business, or entered upon its premises for any purpose whatever, or molested or interfered with any of its property, or with its employees or machinery, or solicited or endeavored to coerce any of the employees of the complainant to join the Rod-mill Workers' Association of America, or any of its lodges, or in any manner interfered with or molested any person or persons employed by the complainant in the operation of its mill and plant, or while engaged in the discharge of duties in connection with said employment, either while they were upon the premises of the complainant or at any other place; that he has not induced other persons to do any unlawful act or thing against the complainant company, or its employees or its property; that he is not upon any strike, but that he is an employee of the American Wire Company (or of some one of the other wire companies of the city of Cleveland, as the fact may be), and engaged in the performance of his duties as such. That any threat was made by him to blow up complainant's works with dynamite or other explosive; or that he has entered into any conspiracy or combination for that purpose; or that he has carried any revolver or deadly weapon, in or about complainant's works for the purpose of intimi-

dating or injuring employees, or for any other purpose; or that he has threatened them, or attempted to coerce complainant to pay the Cleveland scale, or any other scale, of wages to its employees; or that the police power of the city has been invoked, and been found ineffectual to restrain violence to complainant's property, or to its employees, is denied by each individual defendant, and like denials on behalf of the defendant lodges are made by their officers and agents. On the contrary, it is averred that at no time have more than four or five policemen been present at or near the complainant's works, and that the usual detail was one or two; that no occasion existed for invoking the powers of the city of Cleveland, the county of Cuyahoga, or the State of Ohio to keep the peace, and prevent trespassing, violence, molestation, or injury to property or person. Three policemen of the city—Paul Weis, Jeffrey Gibbons, and John J. Connell—make affidavits that they were on duty at and near complainant's works and plant at dates beginning March 24, 1897, and reaching to April 20, 1897, and that they never saw any disorder or disturbance of any kind, that the defendants whom they saw around and near the works were orderly and peaceable, that no acts of violence occurred, no additional force of policemen was required, and none was present, excepting on one occasion, when there were five extra policemen there. Why they were present is not explained. There are two Gibbonses and there is one Connell in the list of defendants. Whether they are relatives of the policemen of the same name, who are affiants, does not appear. It is enough to say of these affidavits that they are so overwhelmingly contradicted as to be utterly discredited. If the affiants are not foresworn, they are, to put the matter in the most charitable light, gifted with such facility for appealing from their knowledge to their ignorance as to be altogether unworthy of belief.

On the other hand, more than a score of affidavits, by complainant's employees and others, including persons entirely disinterested, recite acts of intimidation and violence by the defendants, and by others of a mob, assembled morning and evening and day after day at and about the entrance to complainant's mill, preventing employees from going to their work, assaulting, beating, wounding, and maltreating them, and as they came out from the mill following them, and falling upon them, and making unprovoked, brutal, and outrageous attacks upon them, so that they went bruised and bloody to their homes, where many of them remained, fearing to attempt to go again to their work.

The affidavit of John T. Kane, grand president of the National Association of Rod-mill Workers of America, and for six years last past an employee in the rod-mill department of the American Wire Company in the city of Cleveland, denies all charges of the commission of violent and illegal acts by him. Admitting that he has on several occasions requested employees of the complainant company not to work for that company until it should pay a reasonable rate of wages in its rod-mill department, so as not to prejudice the interests of employees of the other mills in the city of Cleveland in like departments, he affirms that he has at all times conducted himself peacefully and quietly toward the complainant's officers, agents, and employees, and has used his influence to cause others to act in like manner. He denies that he has ever requested or sought to induce complainant's employees to join the association of which he is president, or to organize a lodge thereof, and avers that it is a matter of absolute indifference to him whether said employees are so organized or not, so long as they are receiving a rate of wages equal to that received by himself and his coemployees.

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He denies that the complainant has suffered any injury to his property or business at the hands of the defendants in this cause, and avers that, if any such injury has come to complainant, it has been caused by its own acts in attempting to secure men to do its work at less than a reasonable rate of wages, and less than is usually paid in the city of Cleveland, and in attempting to force down the wages of its employees to a point below what is reasonable and fair for the services rendered. He denies that the prices fixed by the complainant company in April, 1896, were satisfactory to the men in its employ, avers that several of its employees quit its employment for the reason that the prices were not satisfactory, and that they asked the association of which he is president to assist them in obtaining a fair rate of wages, and, as to the men who remained in the employ of the complainant company at the rate fixed by it, they did so because they were compelled by their necessities.

He denies that the association declared a strike in the complainant's mill, or that he or his fellow-members sought to coerce the complainant to adopt the "Cleveland scale," but admits that he and his codefendants have sought by all lawful means to prevent the depression by complainant company of wages in its mills below those ordinarily and usually paid in other mills in Cleveland for similar services. He admits that they have sought to induce the employees of complainant to exercise their right to abandon complainant's service. He denies that said employees were under any time contracts, and declares that his efforts were limited to pointing out to them what they were doing to both employer and employee by continuing in the service of complainant at less than a fair rate of wages.

He further affirms that the complainant company, through its superintendent, held repeated conferences with affiant and other members of said association on the subject of the differences between complainant company and the defendants, twice at the superintendent's own house, twice at the office of the complainant company, and once at the Forest City Hotel, in the city of Cleveland, and that said negotiations were always conducted in a friendly and cordial spirit, and that, by mutual concessions by the defendants and by the complainant's superintendent, "the differences between said company and defendants had reached a settlement, except to receive formal ratification by the lodges of said defendants, and would have been so settled in an amicable and friendly manner, and without the intervention and extraordinary process of this honorable court, but for the hasty and ill-considered action of the president of complainant company in ordering the commencement of these proceedings."

He further denies that the defendant lodges and the other defendants, or that he himself and the other defendants, have congregated morning and evening at the works of the complainant, or in the streets leading thereto, and declares that, except three or four of the defendants, all are engaged at other mills in the performance of their regular work, "and that three or four men have been placed at intervals in the public streets leading to said works for the purpose of seeing that order was preserved, and to observe who entered and left the works of said complainant."

The statement in this affidavit that friendly and cordial negotiations between the defendants and the complainant's superintendent had reached a settlement, needing only formal ratification by the defendant lodges, and that they would have been so settled but for the institution of this suit, is remarkable. Why this complainant company, if it desired settlement as represented, should, just when it had been fully agreed to

on both sides and was on the eve of final consummation, break it off, and resort to proceedings in court which must inevitably put an end to all negotiations, is to the court so entirely inexplicable as to be simply incredible. In the affidavit of defendant Patrick Murray he states that he "has been present on several occasions in the public highway leading to said company's works, under instructions of the supreme officers of the Rod-mill Workers' Association, to do all in his power to preserve order, and to prevent any act of violence, or any threats or intimidation of the employees of said company while said employees were going into or coming out of the works of said company; that his duties on those occasions consisted in observing who went in and came out of the works of said company, and take a report thereon to the supreme officers of said Rod-mill Workers' Association, and also, in as far as he could, prevent any interference with said employees while going to or returning from their work in said company's works."

The averments of these last two affidavits, taken in connection with the fact that in none of the defendants' affidavits (excepting the affidavits of the policemen, to which reference has already been made) is there any denial of the specific averments of the bill, or of the affidavits filed for complainant, that there was continuously a riotous assemblage, which, through one or more of the persons composing it, threatened, intimidated, abused, and maltreated complainant's employees, at times preventing their going to their work, at other times turning them back bruised and bleeding to make their way to their homes, are tantamount to an admission of the averments of the bill, notwithstanding the denials of the defendants that they participated in the unlawful acts of the rioters. In no other view can it be understood why the affiant Murray was sent, under instructions of the supreme officers of the Rod-mill Workers' Association, to do all in his power "to preserve order, and to prevent any act of violence, or any threats or intimidation of the employees of said company while said employees were going into or coming out of the works of said company." The statement which follows, that his duty on those occasions was to observe "who went in and came out of the works of said company, and take a report thereon to the supreme officers of said Rod-mill Workers' Association, and also so far as possible to prevent any interference with employees while going to or returning from their work for complainant," amounts to an admission that the association was keeping complainant's mill and its employees under close surveillance.

These averments, taken together, make it clear, not only that there was continuously a riotous assemblage known to the association, but that for some reason it was the object of the association to keep up at least the semblance of preservation of law and order, while, for some purpose, not disclosed, its object was also to have a complete list of all who went into or came out from the complainant's mill.

When we consider these last two affidavits, in connection with the fact, about which there is no question, that upon the issuing of the temporary restraining order herein, the causes of complaint mentioned in the bill at once ceased, that everything at and about plaintiff's mills has from that time until now been quiet, and the complainant's employees have been unmolested and undisturbed, the conclusion is irresistible that the defendants were in close relations with the mob, and were in fact the ruling and controlling spirits, without whom there never would have been any disturbance whatever.

Counsel for the defendants, upon the argument of the motion, assured court that the defendants were well-disposed, orderly citizens, and

that it had not been their intention, in anything that they had done, to exceed their rights, or in any respect to violate the law. In *Barr v. Trades Council*, 53 N. J. Eq. 101, 30 Atl. 881, the court of errors and appeals of the State of New Jersey, referring to a similar assurance, said:

"The defendants claim, and they are entitled to be credited with being sincere in the contention, that they believe they have, in all matters complained of, acted strictly within the lines of their legal rights. This position justifies us in assuming that, if they had not believed so, and had not been satisfied they were correct in law, the acts challenged would not have been committed, and, if now convinced they are wrong, will not again be attempted."

This court, accepting the statements of counsel in this case, as the like statement was accepted in the New Jersey case, will be at some pains to refer to the authorities, and to set forth the principles of law here applicable, proceeding first to consider the cases which have been decided by State courts, for among these are the earlier cases, in order that it may be made fully to appear that the Federal courts have not been making any new law in reference to strikes or boycotts or labor agitations, but have been following well-established precedents. It will appear later in the opinion that the State courts had for every principle involved and every rule of law stated ample precedent in well-recognized authorities promulgated long prior to their decisions.

In *State v. Glidden*, 55 Conn., 46, 8 Atl., 890, the defendants were prosecuted for a conspiracy having for its object to compel a newspaper publishing company against its will to discharge its workmen and to employ such persons as the defendants and their associates should name. This case was decided in February, 1887. It is the first American case in which the word "boycott" is used. That word originated from the efforts of certain Irish tenants to exclude Captain Boycott from all intercourse with his neighbors because he endeavored lawfully to collect his rents. The supreme court, in *State v. Glidden*, said:

"It seems strange that in this day and in this free country—a country in which law interferes so little with the liberty of the individual—it should be necessary to announce from the bench that every man may carry on his business as he pleases, may do what he will with his own, so long as he does nothing unlawful, and acts with due regard to the rights of others, and that the occasion for such an announcement should be, not an attempt by government to interfere with the rights of the citizen, nor by the rich and powerful to oppress the poor, but an attempt by a large body of workmen to control, by means little, if any, better than force, the action of employers."

The court further said that the defendants in effect said to the publishing company:

"It is true we have no interest in your business, we have no capital invested therein, we are in no wise responsible for its losses or failures, we are not directly benefited by its success, and we do not participate in its profits; yet we have a right to control its management, and compel you to submit to our dictation."

The court declared that the bare assertion of such a right was startling, and that—

"Upon the same principle, and for the same reasons, the right to determine what business others shall engage in, when and where it shall be carried on, etc., will be demanded, and must be conceded. The principle, if it once obtains a foothold, is aggressive, and is not easily checked. It thrives by what it feeds on, and is insatiate in its demands. More

requires more. If a large body of irresponsible men demand and receive power outside of law, over and above law, it is not to be expected that they will be satisfied with a moderate and reasonable use of it. All history proves that abuses and excesses are inevitable. The exercise of irresponsible power by men, like the taste of human blood by tigers, creates an unappeasable appetite for more."

The court sustained the verdict of guilty against the defendants.

The case of *State v. Stewart*, 59 Vt., 273, 9 Atl., 559, was a prosecution for conspiracy to hinder and prevent the Ryegate Granite Works, a corporation, from employing certain granite cutters, and to hinder and deter certain laborers from working for said corporation. The court, sustaining the indictments, held that—

"The labor and skill of the workman, the plant of the manufacturer, and the equipment of the farmer, are in equal sense property; every man has the right to employ his talents, industry, and capital as he pleases, free from the dictation of others; and if two or more persons combine to coerce his choice in this behalf, it is a criminal conspiracy, whether the means employed are actual violence or a species of intimidation that works upon the mind."

The court further said:

"The exposure of a legitimate business to the control of an association that can order away its employees and frighten away others that it may seek to employ, and thus be compelled to cease the further prosecution of its work, is a condition of things utterly at war with every principle of justice, and with every safeguard of protection that citizens under our system of government are entitled to enjoy. The direct tendency of such intimidation is to establish over labor and over all industries a control that is unknown to the law, and that is exerted by a secret association of conspirators, actuated solely by personal considerations, and whose plans, carried into execution, usually result in violence and the destruction of property."

The same court, in *State v. Dyer*, decided at the October term, 1894, and reported 67 Vt., 690, 32 Atl., 814, held—

"That a combination of two or more persons to restrain an employer to discharge a particular workman by threatening to prevent his obtaining other workmen, or to constrain a workman to join a certain organization by threatening to prevent him from obtaining work unless he does so, is a criminal conspiracy at common law."

The supreme court of Pennsylvania, in *Murdock v. Walker* (January, 1893), 152 Pa. St., 595, 25 Atl., 492, decided that a court of equity will restrain by injunction discharged employees, members of a union, from gathering about their former employer's place of business and from following the workmen whom he has employed in place of the defendants, from gathering about the boarding houses of such workmen, and from interfering with them by threats, menaces, intimidation, ridicule, and annoyances on account of their working for the plaintiffs.

The court of errors and appeals of the State of New Jersey, at its October term, 1894, in the case of *Barr v. Trades Council*, 53 N. J. Eq., 101, 30 Atl., 881, very thoroughly and elaborately considered the questions involved in this case. Before entering upon the discussion the court said:

"No unprejudiced person at this day wishes to place any obstacle in the way of labor organizations conducting their operations within lawful limits. It is unfortunate that, despite the warning and counsel of edited leaders, the reckless and revengeful among the members, the vicious and lawless always to be found among the idle, so often

take advantage of labor demonstrations to commit acts of violence against persons and property, and thus weaken the sympathy of the public with the system. Yet every one must acknowledge that organization has accomplished much in the past for the benefit of the workingman, and recognize its possibilities to secure to him in the future, enjoyment of other privileges. But while engaged in this laudable purpose, those who give direction to affairs should not attempt to secure their ends by infringing the lawful rights of others."

The suggestions contained in this quotation are well worthy of consideration by all labor organizations. No class of men stands more in need of the protection of the law and of its safeguards than do laboring men, nor to any class is public sympathy and the support of public opinion more desirable; and to no class will both these be more cordially extended so long as these organizations keep themselves within the limits of law and order. Whenever they exceed such limits, they greatly weaken themselves and the cause they represent, for an overwhelming majority of the American people are so thoroughly in favor of the maintenance and supremacy of law that they will defeat any attempt to pervert or overturn it.

The court, in *Barr v. Trades Council*, declared that a man's business is his property, and that the right to acquire, possess, and protect property is a natural and inalienable right, which all men have, with those of enjoying and defending life and property, and of pursuing and obtaining safety and happiness. The court said that this was an echo of *Magna Charta*, and quoted from Mr. Justice Bradley in the *Slaughterhouse Cases*, 16 Wall., 36, at page 116, where he says:

"For the preservation, exercise, and enjoyment of these rights [life, liberty, and the pursuit of happiness] the individual citizen, as a necessity, must be left free to adopt such calling, profession, or trade as may seem to him most conducive to that end. Without this right he can not be a freeman. This right to choose one's calling is an essential part of that liberty which it is the object of the Government to protect; and a calling, when chosen, is a man's property and right. Liberty and property are not protected where these rights are arbitrarily assailed."

The court also said:

"This freedom of business action lies at the foundation of all commercial and industrial enterprises. Men are willing to embark capital, time, and experience therein, because they can confidently assume that they will be able to control their affairs according to their own ideas, when the same are not in conflict with law. If this privilege is denied them; if the courts can not protect them from interference by those who are not interested with them; if the management of business is to be taken from the owner, and assumed by, it may be, irresponsible strangers, then we will have to come to the time when capital will seek after other than industrial channels for investments, when enterprise and development will be crippled, when interstate railroads and canals and means of transportation will become dependent on the paternalism of the National Government, and the factory and the workshop subject to the uncertain chances of cooperative systems."

The court found that the acts of the defendants practically infringed upon the exercise of this right by Mr. Barr. The defendants were 18 bodies known as "labor unions," embracing many trades in the city of Newark, affiliated in a society or representative body known as the "Essex Trades Council." One of these unions was incorporated; the others were not. The Essex Trades Council itself was a voluntary

association, composed of delegates or representatives chosen thereto by each of the 18 different unions or associations. Mr. Barr, as proprietor of the daily morning newspaper in Newark, determined to employ plate or stereotyped matter in the making up of his paper for publication. All the employees were members of the local typographical union, which had declared against the use of plate matter in the city of Newark, as Mr. Barr well knew. The Essex Trades Council then undertook to boycott Mr. Barr's newspaper, by distributing circulars, by issuing an official bulletin, and by undertaking to persuade the public to withhold support from the paper. The defendants denied that they had made any threats, or attempted to intimidate or coerce any of the advertisers or patrons of the Times, and claimed that everything was done in a peaceable and orderly manner, but the court said:

"It is true, there was no public disturbance, no physical injury, no direct threat or personal violence, or of actual attack on or destruction of tangible property, as a means of intimidation or coercion. Force and violence, however, while they may enter largely into the question in a criminal prosecution, are not necessarily factors in the right to a civil remedy. But, even in criminal law, I do not understand that intimidation, even when a statutory ingredient of crime, necessarily presupposes personal injury or the fear thereof. The clear weight of authority undoubtedly is that a man may be intimidated into doing or refraining from doing, by fear of loss of business, property, or reputation, as well as by dread of loss of life or injury to health or limb; and the extent of this fear need not be abject, but only such as to overcome his judgment, or induce him not to do or to do that which otherwise he would have done or left undone. There can be no reasonable dispute that the whole proceeding or boycott in this controversy is to force Mr. Barr, by fear of loss of business, to conduct that business, not according to his own judgment, but in accordance with the determination of the typographical union, and, so far as he is concerned, it is an attempt to intimidate and coerce."

The court then proceeded to a review of the cases, and the discussion of the jurisdiction in equity, and awarded an injunction as prayed.

The case of *Sherry v. Perkins*, 147 Mass., 212, 17 N. E., 307, was decided in June, 1888. It was there held that banners displayed in front of a manufacturer's premises, with inscriptions calculated to injure his business and to deter workmen from entering into and continuing in his employ, constituted a nuisance, which equity would restrain by injunction. The court said that the plaintiffs were not restricted to their remedy at law, but were entitled to relief by injunction; that the scheme in pursuance of which the banners were displayed and maintained was to injure the plaintiff's business, by intimidating workmen, so as to deter them from keeping and making engagements with the plaintiff. The banners were a standing menace to all who were or wished to be in the employment of the plaintiffs, to deter them from entering his premises, and maintaining them was a continuous unlawful act, injurious to his business and property, and a nuisance such as a court of equity would grant relief against.

The latest case in Massachusetts is *Vegelahn v. Guntner*, decided October, 1896, and reported in 44 N. E., 1077. The defendants in that case conspired to prevent plaintiff from getting workmen, and thereby to prevent him from carrying on his business, unless and until he would adopt a certain schedule of prices. The means adopted were persuasion and social pressure, threats of personal injury or unlawful harm conveyed to persons employed or seeking employment, and a patrol of

two men in front of plaintiff's factory, maintained from half past 6 in the morning until half past 5 in the afternoon, on one of the busiest streets of Boston. The court said that intimidation was not limited to threats of violence or of physical injury to person or property; that it had a broader signification, and there might be a moral intimidation, which was illegal, including patrolling or picketing, under the circumstances stated in the case. The court further said that the patrol was an unlawful interference both with the plaintiff and with the workmen, within the principle of many cases, and, when instituted for the purpose of interfering with his business, it became a private nuisance. The defendants in that case contended that the acts complained of were justifiable, "because they were only seeking to secure better wages for themselves, by compelling the plaintiff to accept their schedule of wages." The court was of opinion that that motive or purpose did not justify maintaining a patrol in front of the plaintiff's premises, as a means of carrying out their conspiracy, and added:

"A combination among persons merely to regulate their own conduct is within allowable competition and is lawful, although others may be indirectly affected thereby. But a combination to do injurious acts, expressly directed to another, by way of intimidation or constraint, either of himself or of persons employed or seeking to be employed by him, is outside of allowable competition, and is unlawful."

In support of this proposition the court cited a long list of cases.

Upon the point, urged, also, in argument in this case, that the defendants' acts might subject them to an indictment, the court said that that fact did not prevent a court of equity from issuing an injunction. "It is true that, ordinarily, a court of equity will decline to issue an injunction to restrain the commission of a crime; but a continuing injury to property or business may be enjoined, although it may also be punishable as a nuisance or other crime." In support of this proposition the court cited a long list of cases, including the following: *Sherry v. Perkins*, 147 Mass., 212, 17 N. E., 307; *Cranford v. Tyrrell*, 128 N. Y., 341, 28 N. E., 514; *Gilbert v. Mickle*, 4 Sandf. Ch., 357; *Port of Mobile v. Louisville and N. R. Co.*, 84 Ala., 115, 4 South., 106, and the following English cases: *Emperor of Austria v. Day*, 3 De Gex, F. & J., 217; *Loog v. Bean*, 26 Ch. Div., 306; *Monson v. Tussaud* [1894], 1 Q. B., 671.

The court further held that such a conspiracy, in order either to prevent persons from entering plaintiff's employment or to prevent persons in his employment from continuing therein, was unlawful, even though such persons were not bound by contract to enter into or continue in his employment. *Moore & Co. v. Bricklayers' Union No. 1*, 23 Wkly. Law Bull., 48, decided by the superior court of Cincinnati in general term, is a case much quoted, in which it was held that a combination by a trade union and others to coerce an employer to conduct his business with reference to apprentices and the employment of delinquent members of the union, according to the demand of the union, by injuring his business through notices sent to his customers and material men, stating that any dealings with him will be followed by similar measures against such customers and material men, is an unlawful conspiracy. Judge Taft, in delivering the opinion of the court, said:

"We are of opinion that, even if acts of the character and with the intent shown in this case are not actionable when done by individuals, they become so when they are the result of combination, because it is clear that the terrorizing of the community by threats of exclusive

dealing in order to deprive one obnoxious member of means of sustenance will become both dangerous and oppressive."

The latest case in any State court—Charles Curran against Louis Galen, as president (known under the title of "Master Workman") of Brewery Workingmen's Local Assembly 1796, Knights of Labor—was decided March 2, 1897, by the court of appeals of the State of New York, and will appear in 152 N. Y., at page 33, 46 N. E., 297. The court there held, first, that the organization or cooperation of workingmen is not of itself against any public policy, and must be regarded as having the sanction of law, when it is for such legitimate purposes as that of obtaining an advance in the rate of wages or compensation, or of maintaining such rate; second, if the purpose of an organization or combination of workingmen is to hamper or restrict the freedom of the citizen in pursuing his lawful trade or calling, and, through contracts or arrangements with employers, to coerce other workingmen to become members of the organization, and to come under its rules and conditions, under the penalty of the loss of their positions and of deprivation of employment, such purpose is against public policy, and unlawful; third, the fact that a contract between the workingmen's organization and an employers' association was entered into on the part of the employers, with the object of avoiding disputes and conflicts with the workingmen's organization, does not legalize a plan of compelling workingmen not in affiliation with the organization to join it, at the peril of being deprived of their employment. With reference to organizations of workingmen the court said:

"The social principle which justifies such organizations is departed from when they are so extended in their operation as either to intend or to accomplish injury to others. Public policy and the interests of society favor the utmost freedom in the citizen to pursue his lawful trade or calling, and if the purpose of an organization or combination of workingmen be to hamper or to restrict that freedom, and, through contracts or arrangements with employers, to coerce other workingmen to become members of the organization, or to come under its rules and conditions, under the penalty of the loss of their positions, and of deprivation of employment, then that purpose seems clearly unlawful, and militates against the spirit of our Government and the nature of our institutions. The effectuation of such a purpose would conflict with that principle of public policy which prohibits monopolies and exclusive privileges. It would tend to deprive the public of the services of men in useful employments and capacities."

The court further along in the course of the opinion said:

"The sympathies or the fellow-feeling which, as a social principle, underlies the association of workingmen for their common benefit, is not consistent with a purpose to oppress the individual who prefers by single effort to gain his livelihood. If organization of workingmen is in line with good government, it is because it is intended as a legitimate instrumentality to promote the common good of its members."

The English cases are in accord with the American cases above cited. Lord Campbell, C. J., in charging the jury in *Reg. v. Hewitt*, 5 Cox, Cr. Cas., 162, said:

"By law every man's labor is his own property, and he may make what bargain he pleases for his own employment. Not only so; masters or men may associate together. But they must not, by their association, violate the law. They must not injure their neighbor. They must not do that which may prejudice another man. The men may *take care* not to enter into engagements of which they do not approve,

but they must not prevent another from doing so. If this were permitted, not only would the manufacturers of the land be injured, but it would lead to the most melancholy consequences to the working classes."

In *Reg. v. Druitt*, 10 Cox, Cr. Cas., 592, Bramwell, B., said:

"No right of property or capital, about which there has been so much declamation, is so sacred or so carefully guarded by the law of this land as that of personal liberty. * * * But that liberty is not liberty of the body only. It is also a liberty of the mind and will; and the liberty of a man's mind and will to say how he should bestow himself and his means, his talents, and his industry is as much a subject of the law's protection as is that of his body. * * * And if any set of men agree among themselves to coerce that liberty of mind and thought by compulsion and restraint, they would be guilty of a criminal offense, namely, that of conspiring against the liberty of mind and freedom of will of those toward whom they so conduct themselves. * * * The public has an interest in the way in which a man disposes of his industry and his capital; and if two or more persons conspired, by threats, intimidation, or molestation, to deter or influence him in the way in which he should employ his industry, his talents, or his capital, they would be guilty of a criminal offense."

In *Steamship Co. v. McGregor*, 23 Q. B. Div., 598, Lord Justice Bowen said:

"Of the general proposition that certain kinds of conduct, not criminal in any one individual, may become criminal if done by combination among several, there can be no doubt. The distinction is based on sound reason, for a combination may make oppressive or dangerous that which, if it proceeded only from a single person, would be otherwise; and the very fact of the combination may show that the object is simply to do harm, and not to exercise one's own just rights."

Coltman, J., in *Gregory v. Duke of Brunswick*, 6 Man. & G., 953, illustrates the proposition by the act of hissing in a public theater, which is *prima facie* a lawful act, and, "even if it should be conceded that such an act, though done without concert with others, if done from a malicious motive, might furnish a ground of action, yet it would be difficult to infer such a motive from the isolated action of one person, unconnected with others."

In *Reg. v. Rowlands*, 17 Adol. & E. (N. S.), 671, where there was a combination to prevent certain workmen from continuing in the service of their employers, and thereby to compel the employers to change the mode of conducting their business, the court of queen's bench approved of the charge given to the jury by Mr. Justice Erle that—

"A combination for the purpose of injuring another is a combination of a different nature, directed personally against the party to be injured; and the law allowing them to combine for the purpose of obtaining a lawful benefit to themselves gives no sanction to combinations which have for their immediate purpose the hurt of another. The rights of workmen are conceded; but the exercise of free will and freedom of action, within the limits of the law, is also secured equally to the masters. The intention of the law is, at present, to allow either of them to follow the dictates of their own will, with respect to their own actions and their own property, and either, I believe, has a right to study to promote his own advantage, or to combine with others to promote their mutual advantage."

All these and many other English authorities will be found among the citations in the American cases referred to in this opinion, and they fully support those cases. Without referring to a single Federal case, there is ample authority upon all the questions involved in the consideration of the motion which has been argued and submitted to this court. Nevertheless, it will be instructive, and I trust beneficial, to review, briefly as possible, some of the decisions of the Federal courts.

In *Casey v. Typographical Union*, 45 Fed., 135, decided January 31, 1891, it was held that a combination or a conspiracy, by a trades union, to boycott a newspaper for refusing to unionize its office, was illegal, and would be enjoined by a court of equity. The court, in considering the contention, for defendants, that no threats were used and there was no intimidation, only courteous requests, and "fair, although sharp and bitter, competition," cited *In re Wabash R. Co.*, 24 Fed., 217, where, during a strike organized to resist a reduction of wages, a printed notice was sent to the several foremen of the shops of the railway company as follows:

"You are requested to stay away from the shop until the present difficulty is settled. Your compliance with this will command the protection of the Wabash employees. But in no case are you to consider this as an intimidation."

The court, in holding that that was an unlawful interference with the management of the road by the receiver, and a contempt of court, said that—

"The statement in all these notices that they are not to be taken as intimidations goes to show beyond a reasonable doubt that the writer knew he was violating the law, and by this subterfuge sought to escape its penalty."

The court, in *Casey v. Typographical Union*, also cited *United States v. Kane*, 23 Fed., 748, where Judge (now Justice) Brewer, by way of illustrating what is a threat, supposes that one of two workmen is discharged. The other is satisfied with his employment, and wishes to remain. The discharged workman comes, with a party of his friends, armed with revolvers and muskets, and says: "Now, my friends are here. You had better leave. I request you to leave." In terms there was no threat, only a request; but it was backed by a demonstration of force intended and calculated to intimidate, and the man leaves really because he is intimidated. "Again," said the judge, "armed robbers stop a coach. One of their number politely requests the passengers to step out and hand over their valuables. To the charge of robbery the defense is made that there was no violence; there were no threats; there was only a polite request, which was complied with." Judge Brewer properly said that any judge who would recognize such a defense deserved to be despised.

In *Pettibone v. United States*, 148 U. S., 197, 13 Sup. Ct., 542, it was held that a combination of two or more persons to accomplish, by concerted action, either a criminal or unlawful purpose, or some purpose not in itself criminal or unlawful by criminal or unlawful means, is a conspiracy.

It was held in *Thomas v. Railway Co. (the Phelan Case)*, 62 Fed., 803, that a combination to incite the employees of all the railways in the country to suddenly quit their service without any dissatisfaction with the terms of their employment, thus paralyzing all railway traffic in order to coerce the railroad companies and the public into compelling an owner of cars used in operating the roads to pay his employees more wages, they having no lawful right so to compel him,

is an unlawful conspiracy, by reason of its purpose, whether such purpose is effected by means usually lawful or otherwise. That the employees of the receiver of the road had the right to organize into or to join a labor union, which should take joint action as to their terms of employment, was conceded; the court stating that, as they had labor to sell, if they should stand together they would be often able to command better prices for their labor than when dealing singly with rich employers, because the necessities of a single employee might compel him to accept any terms offered him. In illustration the court said that if, when the receiver made a reduction of 10 per cent in the wages of his employees, Phelan had come to Cincinnati, and urged and succeeded in maintaining a peaceable strike, he would not have been liable to contempt, even if the strike seriously impeded the operation of the road under the order of the court, and that his action in giving advice or issuing an order based on unsatisfactory terms of employment would have been entirely lawful, but that his coming to Cincinnati, and his advice to the employees to quit work, had nothing to do with their terms of employment. They were not dissatisfied with their service or their pay. His coming was to carry out the purpose of a combination of men, and as a part of that combination to incite the employees of all Cincinnati roads to quit work. The plan of this combination was to inflict pecuniary injury on Pullman by compelling the railway companies to give up using his cars, and in the event of their refusal so to do to inflict pecuniary injury on them by inciting their employees to quit their service and thus paralyze their business. That combination, the court held, was for an unlawful purpose, and was conspiracy; citing *Angle v. Railway Co.*, 151 U. S., 1, 14 Sup. Ct., 240. The court also held that the combination was unlawful without respect to the contract feature, because it was a boycott. The court recognized that the employees had the right to quit their employment, but declared that they had no right to combine to quit, in order thereby to compel their employer to withdraw from a profitable relation with a third person for the purpose of injuring him, when that relation had no effect whatever on the character or reward of their service. Phelan was held guilty of contempt, and sentenced to imprisonment.

The Supreme Court of the United States, in the *Debs Case*, 158 U. S., 564, 15 Sup. Ct., 900, held that the jurisdiction in equity to apply the remedy by injunction when any obstruction was put upon highways, natural or artificial, to impede interstate commerce or the carrying of mails, was not ousted by the fact that the obstructions were accompanied by or consisted of acts in themselves violations of the criminal law, or by the fact that the proceeding by injunction is of a civil character, and may be enforced by proceedings in contempt, inasmuch as the penalty for a violation of such injunction is no substitute for and no defense to a prosecution for criminal offenses committed in the course of such violation. This authority, which is conclusive in this court, disposes of the objection, made in this case, that if the defendants had committed the acts charged against them they were amenable to the criminal laws and should be put upon trial.

The remedy by injunction was not first applied in the United States, either by State courts or by the Federal courts. Mr. Stimson, in his *Handbook on the Labor Law of the United States*, at page 315, says that it is traced back to the leading case of *Spinning Co. v. Riley*, L. R., 6 Eq., 551, decided in 1868, which was prior to any of the American cases. He adds that that case did not announce any new doctrine, but rather the revival of a very old one, referring to the exercise

of the chancellor's authority in the reign of Richard II to repress disorderly obstructions to the course of law. *Spinning Co. v. Riley* was overruled by the court of chancery appeals in *Assurance Co. v. Knott*, 10 Ch. App., 142, in 1874; Lord Chancellor Cairns deciding (and Sir W. M. James, L. J., and Sir G. Mellish, L. J., concurring) that the court in chancery has no jurisdiction to restrain the publication of a libel, as such, even if it is injurious to property. The court, in *Spinning Co. v. Riley*, enjoined the issuing of placards and advertisements intending and having the effect to intimidate and prevent workmen from hiring themselves to the plaintiffs; that being the only act complained of, and the court finding that the plaintiffs were thereby prevented from continuing their business and that the value of their property was thereby seriously injured. Vice-Chancellor Malin's opinion is a strong presentation of the doctrine recognized by him, but no American court, State or Federal, has gone to the length of that case, nor beyond the doctrine stated by the Supreme Court of the United States in the *Debs Case*.

It conclusively appears, from the authorities above referred to, that the English courts, the American State courts, and the Federal courts are in perfect harmony, and that, while they recognize the right of employees of whatever rank or degree to combine for the purpose of resisting any measures of oppression or coercion by their employers, and even for the purpose of instituting strikes and adopting other measures for their own protection or for the bettering of their condition, they are agreed that they must not interfere with the rights of employers to manage their own business in their own way, so long as they do not trespass upon the rights of others.

Counsel for defendants in this case insisted that his clients had the right as individuals to solicit and persuade employees of complainant to give up their situations, insisting, also, that the employees were under no contracts to labor for any specified period. Counsel then advanced the proposition that, if defendants had the right singly to persuade complainant's employees to quit work, they had the right to do so in companies or in mass, and that they had the right to congregate for that purpose in the public streets, and that therefore the congregating in the vicinity of complainant's mill and plant was lawful, and should not be restrained by the court. That complainant's employees were under no term contracts is, I think, established by the evidence. But the conclusion deduced by counsel, although ingenious, is altogether unsound. It is negatived by *Casey v. Typographical Union*, by *United States v. Kane*, by *Pettibone v. United States*, by *Thomas v. Railway Co.*, and by the *Debs Case*. That the defendants might, as counsel put it, peaceably and quietly persuade complainant's employees to quit work, is not, and can not be, successfully denied. But persuasion, with the hootings of a mob and deeds of violence as auxiliaries, is not peaceable persuasion. As to the proposition that defendants were only exercising their constitutional rights, the court commends to their perusal the recent case of *Garrett v. T. H. Garrett & Co.*, 24 C. C. A., 173, 78 Fed., 472, decided December 8, 1896. The appellants were manufacturers of snuff, known to the trade as "*Garrett's snuff*," and sued to restrain defendant company from using the name "*Garrett*" on packages and cans of snuff manufactured by it and placed upon the market for sale. It was contended for the defendant that every man has the right to the use of his own name in business, and, as to the order of injunction below restraining defendant from

using white paper for its labels, that every person has a constitutional right to use white paper. The court said:

"These propositions, in the abstract, are undeniably true; but counsel for the time overlooked the fact that, wherever there is an organic law, wherever a constitution is to be found as the basis of the rights of the people, and as the foundation and limit of the legislation and jurisprudence of a government, there the mutual rights of individuals are held in highest regard, and are most jealously protected. Always, in law, a greater right is closely related to a greater obligation. While it is true that every man has a right to use his own name in his own business, it is also true that he has no right to use it for the purpose of stealing the good will of his neighbor's business, nor to commit a fraud upon his neighbor, nor a trespass upon his neighbor's rights or property; and, while it is true that every man has a right to use white paper, it is also true that he has no right to use it for making counterfeit money nor to commit a forgery. It might as well be set up, in defense of a highwayman, that, because the Constitution secures to every man the right to bear arms, he has a constitutional right to rob his victim at the muzzle of a rifle or revolver."

Counsel for defendants closed his argument with a somewhat impassioned appeal to the court, coupled with the expression of his hope and confidence that the decision would not be calculated to drive his clients to become anarchists. So long as labor organizations keep themselves within the limits of law, they will not be interfered with by courts, and they will have the sympathy and good will of a vast majority of well-disposed citizens. When they exceed those limits, they will be restrained by the courts, and dealt with, whatever the consequences may be, and they will lose the sympathy and good will of the public. The extraordinary character of the appeal made to the court justifies me in adding that the courts will be ready for the emergency whenever and wherever the spirit of anarchy may manifest itself, whether within or without the lodges, and the American people, if need be, will rise in their majesty and their might, and crush it as a trip hammer would crush an eggshell.

Upon the facts of this case, and upon the law as stated in the authorities cited, the complainant's motion for a temporary injunction will be granted. A bond of \$2,000 will be required.

INJUNCTION—MARCHING ON HIGHWAY—INTIMIDATING EMPLOYEES—CONTEMPT OF COURT—*Mackall v. Ratchford et al.*, 82 *Federal Reporter*, page 41.—The decision here reported was rendered August 21, 1897, in contempt proceedings in the above-named case, held in the United States circuit court for the district of West Virginia.

The opinion was delivered by Circuit Judge Goff, and the facts in the case are clearly stated in that part of the opinion which is quoted below:

The simple question here is, Are these defendants in contempt of this court? On the 16th instant this court granted an injunction, restraining the defendants and all others from in any wise interfering with the management, operation, and conducting of the mines in the bill mentioned, either by menaces, threats, or any character of intimidation used to prevent the employees of said mines from going to or from the same, or from engaging in their usual business of mining. All persons were restrained from entering upon the property of the Montana Coal and

Coke Company for the purpose of interfering with the employees of said company, either by intimidation, or by the holding of either public or private assemblages upon said property, or in any way molesting, interfering with, or intimidating the employees of that company so as to induce them to abandon their work in the said mines.

This injunction was served on a number of the defendants early on the morning of the 17th instant. It was also served on other of the defendants, together with an additional or supplemental or construing order, on the morning of the 18th instant. If the defendants were aware that the court had passed the decree granting the injunction mentioned, if they were aware of its terms and import, and if they then interfered with or intimidated the employees of said coal company, thereby preventing them from going to or from their work, or causing them to abandon the same, then they are guilty of the contempt charged, and should be, and will be punished. The strikers had the right to quit work themselves, and they had the right to induce other miners, by peaceable means, by the persuasive force of public or private argument, exerted in a lawful way, to also quit work and join them. But it must be kept in mind that the miner who still desired to work had the same right to do so as the miner to quit work; and also, it should be remembered that the owners of the mines, individual or company, had the right to operate the same, the right to employ the labor of those willing to work, the right to use the highway leading to the mines for themselves and for their employees, even as had the strikers to quit work, the miner to go on with his work, or the agitator to indulge in the right of "free speech." It seems from the evidence, that but few of the miners employed at the Montana mines had joined the strikers. All efforts to induce them to do so had apparently failed.

At this juncture a company of marching strikers, mostly from Monongah, went into camp about one mile from the Montana mines. During Monday, Tuesday, and Wednesday, this company, under command of its officers, with music and banners, marched and counter-marched along the county road running through the property of the Montana Coal and Coke Company. This marching was very early in the morning and in the afternoon, at times when the miners of said company were either going to or coming from their work. The marching was from the camp down to the mine opening, then back to the village where the miners lived, thence again past the mine opening, and so on, "to and fro," during certain hours of the morning and afternoon. They did not march past the property of the company, for the reason, as stated by their leader, that the river stopped them. The marching was therefore from the camp to the river, and from the river back to the camp, always by the mine opening and the miner's homes. There was an object in this, and the intent will be disclosed by the facts. These miners had refused to join the strikers, and had neglected to attend the strikers' meeting, evidently preferring to remain at work. The camp was established near them for the purpose of influencing them. Was that influence to be exerted, and was it exerted, in a lawful and proper manner? The answer to that question determines the guilt or innocence of these accused. In endeavoring to influence the miners to join them, did the strikers prevent them from going to or from their work, and did they use any character of intimidation in so doing?

A body of men, over 200 strong, marching in the early hours of the morning, before daylight, halting in front of the mine opening, and

taking position on each side of the public highway for a distance of at least a quarter of a mile, at the exact places where the miners were in the habit of crossing that highway for the purpose of going from their homes to their work, is at least unusual, and, in the state of excitement usually attending such occasions, neither an aid to fair argument, nor conducive to the state of mind that makes willing converts to the cause thus championed. That the marching did intimidate quite a number of the miners is clear, if the evidence offered is to be believed; and the court finds it uncontradicted and entitled to credence. The court is also forced to conclude, from all the facts and circumstances detailed by the witnesses, from the object the marching men had in view, and from the locality where they marched, and its topography, that the intention of the marching strikers was to interfere with the operation of the Montana mines, with the miners engaged in working said mines, to intimidate them, and thereby induce them to abandon their work, and then secure their cooperation in closing the mines.

The marching men seemed to think that they could go and come on and over the county road as they pleased, because it was a public highway. But this was a mistake. The miners working at Montana had the same right to use the public road as the strikers had, and it was not open and free to their use when it was occupied by over 200 men stationed along it at intervals of 3 and 5 feet—men who, if not open enemies, were not bosom friends. That some miners passed through this line is shown. That others feared to do so is plain. That the marching column intended to interfere with the work at the mines would be foolish to deny. A highway is a way over which the public at large have a right of passage. It is a road maintained by the public for the general convenience. True, the strikers had a right to march over it as passengers just the same as all other citizens; but they had no right to make it a parade ground, or stop on its side ways at frequent intervals, and by the hour, at times when other people who had the same right to its use were in the habit of using it for the purposes connected with their daily avocations. The miners of the Montana mines, as well as the owners of that property, had the same right to use the public road as had the marching strikers.

It seems to the court that the men whose work is interrupted and the people whose property is damaged by the improper use and occupation of the highway are the people who have the true grounds of complaint because of the improper use of what in the early books of the law is called the "King's highway." The building in which we are now holding this court is located on the corner of Third and Pike streets, Clarksburg. All the citizens of that town can use those streets for purposes connected with their business. All persons properly deporting themselves can pass along and upon them for all proper business matters, or for the mere purpose of transit; and all persons, due regard being had for the public interest and safety, may parade, with banners, flags, and bands of music, along and over said streets at reasonable times and seasonable hours, provided the same does not prevent the reasonable and seasonable use of said streets by those entitled to the same. If such use should close the business houses along said streets, by preventing employees from reaching them, then, if such parades were not prevented by the city authorities, the owners of property so affected would be entitled to the aid of the courts in protecting their rights. No one portion of the community has a right to march along those streets day after day, night after night, and station themselves along them at intervals of 3 or 5 feet, for hour after hour, thereby preventing

the owners of property located thereon from reaching the same in person, or by their clerks or other employees, for purposes connected with their regular business. Under such circumstances the police of the city would either move the column along, out of the way of the public business, or take into custody the men who without authority obstruct the streets and public highways. The marching men had then no such right on the county road as they claimed.

That the parties now in custody knew that the injunction had been issued is not denied—is plain from the evidence. They spoke of it jocularly, mostly, now and then resentfully and disrespectfully. Such terms as these passed along the line: "We are used to papers like that." "We will take the consequences." "I will eat mine for breakfast." The officers were careful in explaining its terms, and, I may say, in beseeching the strikers not to violate them. They told the marchers to march on and pass by if they wished to, but not to march and counter-march "to and fro" by the mines, because such marching was prohibited by the court. But the advice was not heeded, the disregard of the court's order continued, and the conduct that constituted violation of the injunction was openly resorted to and persistently maintained. These defendants are all guilty of the contempt charged. Their conduct, in connection with their knowledge of the action theretofore taken by this court, concerning the injunction referred to, was evidently in violation of the provisions of section 725 of the Revised Statutes of the United States (providing for punishment of contempts by the United States courts).

Here the court spoke at length concerning the sentences of those held guilty of contempt and imposed sentences of three days in jail, and continued as follows:

In this case, for the reasons mentioned, justice has been tempered with mercy; but if, with the light of this investigation in their pathway, these defendants shall persist in disregarding the decrees of this court duly entered in causes properly before it, then let it be remembered that mercy shown to contempt under such circumstances would be not only a crime, but the death of justice.

INVENTION BY EMPLOYEE—IMPLIED LICENSE OF EMPLOYER—*Blauvelt v. Interior Conduit and Insulation Company*, 80 *Federal Reporter*, page 906.—This was a suit in equity by James M. S. Blauvelt, trustee, against the above-named company to restrain the alleged infringement of a patent brought in the United States circuit court for the southern district of New York. After a hearing the circuit court dismissed the suit and Blauvelt appealed the same to the United States circuit court of appeals for the second circuit. Said court rendered its decision May 26, 1897, and affirmed the decree of the circuit court.

The following, quoted from the opinion of the circuit court of appeals, which was delivered by Circuit Judge Shipman, sufficiently shows the facts in the case and the decision:

The case is, therefore, that of an inventor, who, as a workman in the employ of another, manufactures for him, in his shop, and with his

materials, and upon weekly wages, machines which the employer uses as a part of his tools, without knowledge of any objection thereto, and for which the inventor, during the term of his employment, obtains a patent, and thereafter seeks to restrain the employer from the use of the particular machine or machines which had been thus made in the employer's shop under the supervision of the employee, and apparently as a part of his ordinary mechanical work. This subject was considered at length in *Gill v. United States*, 160 U. S., 426; 16 Sup. Ct., 322. The court said the case raised the question, "which has been several times presented to this court, whether an employee paid by salary or wages, who devises an improved method of doing his work, using the property or labor of his employer to put his invention into practical form, and assenting to the use of such improvements by his employer, may, by taking out a patent upon such invention, recover a royalty or other compensation for such use. In a series of cases, to which fuller reference will be made hereafter, we have held that this could not be done." The court further said that the principle upon which all the decisions were based is "an application or outgrowth of the law of estoppel in pais." The decree of the circuit court is affirmed.

RIGHT OF ACTION FOR DAMAGES—COERCION OF EMPLOYER BY LABOR UNION TO COMPEL DISCHARGE OF EMPLOYEE—*Perkins v. Pendleton et al.*, 38 *Atlantic Reporter*, page 96.—Action was brought in the supreme judicial court in Waldo County, Me., by Webster C. Perkins against Fremont Pendleton and others to recover damages. The defendants filed a demurrer to the declaration, and the court issued an order overruling the same. To said order the defendants filed exceptions, and on said exceptions the case was brought before the full bench of the supreme judicial court, which rendered its decision April 9, 1897, and overruled the exceptions.

The facts in the case, as well as the reasons for the decision, are stated in the opinion of the court, which was delivered by Judge Wiswell, and from the same the following is quoted:

To the plaintiff's declaration the defendants filed a general demurrer, which was overruled by the justice presiding at nisi prius, and the declaration adjudged good. The case comes to the law court upon exceptions to this ruling.

The plaintiff alleges that upon a certain day he was, and for twenty-two years prior to that time had been, in the employ of the Mount Waldo Granite Company as a stonecutter, working by the piece; that he was making large profits out of his employment; that he would have continued in such employment from the day named until the date of his writ "but for the wrongful acts, inducements, threats, persuasions, and grievances committed by said defendants against the said plaintiff as hereinafter set forth;" that on the day named, and "at divers other times thereafter until the date of the plaintiff's writ," the defendants "did unlawfully and without justifiable cause, molest, obstruct, and hinder the plaintiff from carrying on his said trade, occupation, or business as a stonecutter for the said Mount Waldo Granite Company, and wrongfully, unlawfully, and unjustly had him discharged without any

justifiable cause from the employment of the said Mount Waldo Granite Company by willfully threatening, persuading, inducing, and by other overt acts compelling the said Mount Waldo Granite Company, against its will, and without any desire on its part so to do, to discharge the said plaintiff from its employ for the sole reason that the plaintiff would not become a member in the order of the Mount Waldo Branch of the Granite Cutters' National Union;" whereby he suffered the injury specially set out in his declaration. Does this statement of facts sufficiently set out an actionable wrong upon the part of the defendants?

That an action lies under certain circumstances for procuring a third person to break his contract with the plaintiff has been frequently decided by the courts of England and of this country.

The court here cites, quotes from, and comments upon several cases bearing upon the point at issue, and then continues as follows:

In view of these authorities and others, which it is not necessary to refer to, it must be conceded that for a person to wrongfully—that is, by the employment of unlawful or improper means—induce a third party to break a contract with the plaintiff, whereby injury will naturally and probably, and does in fact, ensue to the plaintiff, is actionable; and the rule applies both upon principle and authority as well to cases where the employer breaks his contract as where it is broken by the employee; in fact it is not confined to contracts of employment.

But in this case the plaintiff does not allege that the Mount Waldo Granite Company was induced by the wrongful means adopted by the defendants to break a contract, nor that there was any contract between the plaintiff and the employees for any definite time. We must, therefore, assume that there was none, that either party had the right to terminate the employment at any time, and that the act of the Mount Waldo Company in discharging the plaintiff was lawful, and one which the company had a perfect right to do at any time. The question presented, then, is whether a person can be liable in damages for inducing and persuading, by threats or other unlawful means, an employer to discharge his employee when the terms of the contract of service are such that the employer may do this at his pleasure, without violating any legal right of the employee. The question is a novel one in this State, but it has already arisen and been passed upon by the courts of some other States.

Here the court again quotes from several important cases, and then goes on to say:

(Our conclusion is that wherever a person, by means of fraud or intimidation, procures either the breach of a contract or the discharge of a plaintiff from an employment, which, but for such wrongful interference, would have continued, he is liable in damages for such injuries as naturally result therefrom;) and that the rule is the same whether by these wrongful means a contract of employment definite as to time is broken, or an employer is induced, solely by reason of such procurement, to discharge an employee, whom he would otherwise have retained.

We think that the important question in an action of this kind is as to the nature of the defendant's act, and the means adopted by him to accomplish his purpose. Merely to induce another to leave an employment, or to discharge an employee, by persuasion or argument, however whimsical, unreasonable, or absurd, is not, in and of itself, unlawful, and we do not decide that such interference may become unlawful by reason

of the defendant's malicious motives, but simply that to intimidate an employer by threats, if the threats are of such a character as to produce this result, and thereby cause him to discharge an employee whom he desired to retain, and would have retained, except for such unlawful threats, is an actionable wrong.

It is the opinion of the court that the plaintiff's declaration fairly sets out a cause of action in accordance with these principles; that the question is one of proof, rather than of pleading; and that, if the plaintiff can prove the essential allegations contained in his declaration, he is entitled to recover. Exceptions overruled.

LAWS OF VARIOUS STATES RELATING TO LABOR ENACTED SINCE JANUARY 1, 1896.

[The Second Special Report of the Department contains all laws of the various States and Territories and of the United States relating to labor in force January 1, 1896. Later enactments are reproduced in successive issues of the Bulletin from time to time as published.]

ARKANSAS.

ACTS OF 1897—REGULAR SESSION.

ACT NO. 21.—*Protection of railroad employees.*

SECTION 1. Every person who shall by any letter, mark, sign or designation whatever, or by any verbal statement, falsely and without probable cause, report to any railroad or any other company or corporation, or to any individual or individuals or to any of the officers, servants, agents or employees of any such corporation, individual or individuals, that any conductor, brakeman, engineer, fireman, station agent or other employees of any such railroad company, corporation, individual or individuals, have received any money for the transportation of persons or property, or shall falsely and without probable cause report that any conductor, brakeman, engineer, fireman, station agent or other employees of any such railroad company, corporation, individual or individuals, neglected, failed or refused to collect any money for transportation of persons or property when it was their duty so to do, shall, on conviction, be adjudged guilty of a misdemeanor, and shall be fined in any sum not less than one hundred (\$100) dollars, nor more than five hundred (\$500) dollars.

SEC. 2. All laws and parts of laws in conflict herewith are hereby repealed, and this act [shall] take effect and be in force from and after its passage.

Approved, February 19, 1897.

ACTS OF 1897—EXTRA SESSION.

ACT NO. 20.—*Convict labor.*

SECTION 1. Section 5499 of Sandels & Hill's Digest [shall] be amended so as to read as follows:

SECTION 5499. The said board [penitentiary commissioners] shall have the general management and control of the State penitentiary, and all convicts sentenced to said penitentiary, whether within or without the walls thereof. It shall make or approve all contracts for the building of any additions, repairs, barracks, stockades and improvements necessary to be made in connection with the penitentiary or convict system of this State on the terms prescribed by law, or in the absence thereof, on such terms as it may consider for the best interest of the State. It shall have power to purchase or cause to be purchased with such funds as may be at its disposal, not otherwise appropriated, any lands, buildings, machinery, live stock and tools necessary for the use, preservation and operation of the penitentiary, to the end that the largest number of convicts that can be comfortably accommodated and be made self-supporting may be confined therein and until adequate provisions be made by the general assembly for the confinement and employment of all convicts within the walls; said board shall cause to be employed the excess of convicts at labor outside the walls, either under the contract or State account system, under such regulations, conditions and restrictions as it may deem best for the welfare of the State and the convicts; and said board is hereby empowered and authorized to purchase or lease and equip a farm or farms upon which to work State convicts, and to pay for the same out of the labor or product of the labor of any of the convicts, or they may select any lands of the State, and clear and improve and establish a farm on same of sufficient area to employ all convicts who are able to work in cultivating same. And said board is hereby empowered to perform any and all acts necessary in the purchase or lease and equipping of said farm or farms.

Provided, Said board shall not have the power to remove or sell the present penitentiary under this act.

Provided, The board shall only apply such proceeds for the payment of said farms as are not actually needed for the support and maintenance of the State convict farm.

SEC. 2. All laws in conflict herein [herewith] are hereby repealed, and this act shall take effect and be in force from and after its passage.

Approved, June 4, 1897.

ACT No. 33.—*Convict labor.*

WHEREAS, The State of Arkansas has leased and may in the future lease to various and sundry parties in several parts of the State, certain convicts on the share-crop system and otherwise; and,

WHEREAS, The roads in the neighborhood of and leading to these various convict camps are very much used and cut up in hauling supplies for use of [camps] and wood, cotton, cotton seed and corn raised at said camps, and in some instances practically made useless for the people in the neighborhood; and,

WHEREAS, There is no law now on the statute [books] requiring these convicts to do their share of the labor in repairing these roads; Therefore,

Be it enacted, etc.

SECTION 1. That the superintendent of the penitentiary may in his judgment and at such times as such convicts are not occupied in making and gathering crops, or otherwise employed in work for the State, order the roads leading to and in the neighborhood of the several camps now occupied or which may hereafter be occupied by said convicts, worked and repaired by said convicts.

Provided, That nothing in this act will require State convicts to work said roads for a greater number of days for each man than is now allowed by law for the regular road hands; and,

Provided further, That nothing in this act shall repeal any law which requires the regular road hands to work said roads.

SEC. 2. All laws and parts of laws in conflict with this act be, and the same are hereby, repealed, and this act [is] to take effect from and after its passage.

Approved, June 21, 1897.

ACT No. 43.—*Exemption from garnishment—Wages.*

SECTION 1. Hereafter no garnishment shall be issued by any court in any cause where the sum demanded is two hundred dollars or less, and where the property sought to be reached is wages due to a defendant by any railroad corporation until after judgment shall have been recovered by plaintiff against defendant in the action.

SEC. 2. No railroad corporation shall be required to make answer to, nor shall any default or other liability attach because of its failure to so answer any interrogatories propounded to it, in any action against any person to whom it may be indebted on account of wages due for personal services, where a writ or [of] garnishment was issued in advance of the recovery by plaintiff of a personal judgment against the defendant in any action for two hundred dollars or less, and any judgment rendered against any railroad corporation for its said failure or refusal to make answer to any garnishment so issued before the recovery of final judgment in the action between the plaintiff and defendant in the cases mentioned in section 1, shall be void, and any officer entering such a judgment or who may execute or attempt to execute the same, shall be taken and considered a trespasser.

SEC. 3. All laws and parts of laws in conflict with this act are hereby repealed, and this act shall take effect and be in force from and after its passage.

Approved, June 26, 1897.

ACT No. 48.—*Wages preferred—In payments by receivers.*

SECTION 4. As soon as the receiver shall have taken the property into his custody, he shall proceed under the direction of the court, or of the judge, in vacation, to convert the same into money, and upon final hearing, the court, after deducting the cost and paying all public taxes, shall order the proceeds to be distributed among the creditors in the order and with the preferences following:

First—The salaries of employees earned within three months, and all laborers' wages shall be paid first.

Approved, June 26, 1897.

COLORADO.

ACTS OF 1897.

CHAPTER 2.—*State board of arbitration.*

SECTION 1. There shall be established a State board of arbitration consisting of three members, which shall be charged, among other duties provided by this act, with the consideration and settlement by means of arbitration, conciliation and adjustment, when possible, of strikes, lockouts and labor or wage controversies arising between employers and employees.

SEC. 2. Immediately after the passage of this act the governor shall appoint a State board of arbitration, consisting of three qualified resident citizens of the State of Colorado and above the age of thirty years. One of the members of said board shall be selected from the ranks of active members of bona fide labor organizations of the State of Colorado, and one shall be selected from active employers of labor or from organizations representing employers of labor. The third member of the board shall be appointed by the governor from a list which shall not consist of more than six names selected from entirely disinterested ranks submitted by the two members of the board above designated. If any vacancy should occur in said board, the governor shall, in the same manner, appoint an eligible citizen for the remainder of the term, as hereinbefore provided.

SEC. 3. The third member of said board shall be secretary thereof, whose duty it shall be, in addition to his duties as a member of the board, to keep a full and faithful record of the proceedings of the board and perform such clerical work as may be necessary for a concise statement of all official business that may be transacted. He shall be the custodian of all documents and testimony of an official character relating to the business of the board; and shall also have, under direction of a majority of the board, power to issue subpoenas, to administer oaths to witnesses cited before the board, to call for and examine books, papers and documents necessary for examination in the adjustment of labor differences, with the same authority to enforce their production as is possessed by courts of record or the judges thereof in this State.

SEC. 4. Said members of the board of arbitration shall take and subscribe the constitutional oath of office, and be sworn to the due and faithful performance of the duties of their respective offices before entering upon the discharge of the same. The secretary of state shall set apart and furnish an office in the State capitol for the proper and convenient transaction of the business of said board.

SEC. 5. Whenever any grievance or dispute of any nature shall arise between employer and employees, it shall be lawful for the parties to submit the same directly to said board, in case such parties elect to do so, and shall jointly notify said board or its clerk in writing of such desire. Whenever such notification is given it shall be the duty of said board to proceed with as little delay as possible to the locality of such grievance or dispute, and inquire into the cause or causes of such grievance or dispute. The parties to the grievance or dispute shall thereupon submit to said board in writing, clearly and in detail, their grievances and complaints and the cause or causes therefor, and severally agree in writing to submit to the decision of said board as to the matters so submitted, promising and agreeing to continue on in business or at work, without a lockout or strike until the decision is rendered by the board, provided such decision shall be given within ten days after the completion of the investigation. The board shall thereupon proceed to fully investigate and inquire into the matters in controversy and to take testimony under oath in relation thereto; and shall have power under its chairman or clerk to administer oaths, to issue subpoenas for the attendance of witnesses, the production of books and papers in like manner and with the same powers as provided for in section 3 of this act.

SEC. 6. After the matter has been fully heard, the said board, or a majority of its members, shall, within ten days, render a decision thereon in writing, signed by them or a majority of them, stating such details as will clearly show the nature of the decision and the points disposed of by them. The clerk of said board shall file four copies of such decision, one with the secretary of state, a copy served to each of the parties to the controversy, and one copy retained by the board.

SEC. 7. Whenever a strike or lockout shall occur or seriously threaten in any part of the State, and shall come to the knowledge of the members of the board, or any one thereof by a written notice from either of the parties to such threatened strike or lockout, or from the mayor or clerk of the city or town, or from the justice of the peace of the district where such strike or lockout is threatened, it shall be their duty, and they are hereby directed, to proceed as soon as practicable to the locality of such strike or lockout and put themselves in communication with the parties to the controversy and endeavor by mediation to effect an amicable settlement of such

controversy, and, if in their judgment it is deemed best, to inquire into the cause or causes of the controversy; and to that end the board is hereby authorized to subpoena witnesses, compel their attendance, and send for persons and papers in like manner and with the same powers as it is authorized by section 3 of this act.

SEC. 8. The fees of witnesses before said board of arbitration shall be two dollars (\$2.00) for each day's attendance, and five (5) cents per mile over the nearest traveled routes in going to and returning from the place where attendance is required by the board. All subpoenas shall be signed by the secretary of the board and may be served by any person of legal age authorized by the board to serve the same.

SEC. 9. The parties to any controversy or difference as described in section 5 of this act may submit the matters in dispute in writing to a local board of arbitration and conciliation; said board may either be mutually agreed upon or the employer may designate one of such arbitrators, the employees or their duly authorized agent another, and the two arbitrators so designated may choose a third who shall be chairman of such local board; such board shall in respect to the matters referred to it have and exercise all the powers which the State board might have and exercise, and its decision shall have such binding effect as may be agreed upon by the parties to the controversy in the written submission. The jurisdiction of such local board shall be exclusive in respect to the matter submitted to it, but it may ask and receive the advice and assistance of the State board. Such local board shall render its decision in writing, within ten days after the close of any hearing held by it, and shall file a copy thereof with the secretary of the State board. Each of such local arbitrators shall be entitled to receive from the treasurer of the city, village or town in which the controversy or difference that is the subject of arbitration exists, if such payment is approved by the mayor of such city, the board of trustees of such village, or the town board of such town, the sum of three dollars for each day of actual service not exceeding ten days for any one arbitration: *Provided*, That when such hearing is held at some point having no organized town or city government, in such case the costs of such hearing shall be paid jointly by the parties to the controversy: *Provided further*, That in the event of any local board of arbitration or a majority thereof failing to agree within ten (10) days after any case being placed in their hands, the State board shall be called upon to take charge of said case as provided by this act.

SEC. 10. Said State board shall report to the governor annually, on or before the fifteenth day of November in each year, the work of the board, which shall include a concise statement of all cases coming before the board for adjustment.

SEC. 11. The secretary of state shall be authorized and instructed to have printed for circulation one thousand (1,000) copies of the report of the secretary of the board, provided the volume shall not exceed four hundred (400) pages.

SEC. 12. Two members of the board of arbitration shall each receive the sum of five hundred dollars (\$500) annually, and shall be allowed all money actually and necessarily expended for traveling and other necessary expenses while in the performance of the duties of their office. The member herein designated to be the secretary of the board shall receive a salary of twelve hundred dollars (\$1,200) per annum. The salaries of the members shall be paid in monthly installments by the State treasurer upon warrants issued by the auditor of the State. The other expenses of the board shall be paid in like manner upon approved vouchers signed by the chairman of the board of arbitration and the secretary thereof.

SEC. 13. The terms of office of the members of the board shall be as follows: That of the members who are to be selected from the ranks of labor organizations and from the active employers of labor shall be for two years, and thereafter every two years the governor shall appoint one from each class for the period of two years. The third member of the board shall be appointed as herein provided every two years. The governor shall have power to remove any members of said board for cause and fill any vacancy occasioned thereby.

SEC. 14. For the purpose of carrying out the provisions of this act there is hereby appropriated out of the general revenue fund the sum of seven thousand dollars for the fiscal years 1897 and 1898, only one-half of which shall be used in each year, or so much thereof as may be necessary, and not otherwise appropriated.

SEC. 15. In the opinion of the general assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved March 31, 1897.

CHAPTER 5.—*Convict labor.*

SECTION 1. Section one of an act entitled "An act to amend section one of an act entitled 'An act concerning convict labor and the product of convict labor, approved April 2, 1887'" [section 3447, Mills' Annotated Statutes, 1891], is hereby amended so as to read as follows:

"SEC. 1. Every able-bodied convict shall be put to, and kept at, the work most suitable to his or her capacity, and most advantageous to the people of the State of

Colorado, and which may least conflict with the free labor of the said State, during his or her confinement; and the earnings of such convict, after deducting sufficient thereof to pay and satisfy the cost of maintenance and retention, shall be given to the family of such convict, or dependents, if there be any, if there be none, the same accumulated shall be paid to such convict upon discharge from the penitentiary."

SEC. 2. The sum of ten thousand dollars (\$10,000) is hereby appropriated, out of any moneys in the State treasury, not otherwise appropriated, for the purpose of carrying this act into operation and the payment of warrants drawn on account thereof.

SEC. 3. All acts and parts of acts and all laws and parts of laws in conflict herewith are hereby repealed.

SEC. 4. In the opinion of the general assembly of the State of Colorado an emergency exists, therefore this act shall take effect and be in force from and after its passage.

Approved April 28, 1897.

CHAPTER 26.—*Wages preferred—In assignments.*

SECTION 27. The valid claims of servants, laborers and employees of the assignor, for wages earned during the six months next preceding the date of the assignment, not to exceed fifty dollars, to any one person then unpaid, and still held by the person who earned the same, shall be preferred claims and be paid in full, prior to the payment of the dividends in favor of other creditors.

Approved May 5, 1897.

CHAPTER 31.—*Blacklisting and boycotting.*

SECTION 1. Any railroad or telegraph company, or any officer, agent or employee of any railroad or telegraph company, or any other company, corporation or individual doing business within the State of Colorado, shall not issue, circulate, or publish, or cause to [be] issued, circulated or published, any black list, circular, or other statement, regarding any person or persons who may have been in the employ of any of the above-mentioned railroads, telegraph, or other companies, corporations, or individuals, which will deprive said person or persons of, or in any way prevent them from obtaining employment.

SEC. 2. Any dismissed employee shall on demand be furnished by the aforesaid employer of said dismissed employee specific reasons in writing for said dismissal: *Provided*, That no person or corporation shall be held liable either civilly or criminally for any such reasons so given upon such request.

SEC. 3. It shall be unlawful for any person or persons, or combination of persons, or society, or union, to establish or institute, or engage in a boycott against any individual, firm or corporation carrying on any kind of trade or business, by agreeing not to patronize, trade or do business with any such individual, firm or corporation, or to induce others not to so patronize, trade or do business with any such individual, firm or corporation.

SEC. 4. Any violation of this act shall be a misdemeanor and punishable by fine of not less than five hundred (500) dollars, nor more than one thousand (1,000) dollars, or imprisonment not less than sixty (60) days, nor more than one year, or both fine and imprisonment at the discretion of the court.

Approved, April 21, 1897.

CHAPTER 37.—*Coal mines—Check weighmen.*

SECTION 1. Hereafter in all coal mines in this State, operated by individuals or corporations, whether as owners or lessees and working twenty or more miners under ground, there may be employed a check weighman, who shall be selected by the miners employed in said mine and whose wages shall be paid by the miners therein employed.

SEC. 2. The duties of such check weighman shall be to see that all coal, mined in the coal mine at which he is employed, is accurately weighed and for that purpose every such aforesaid owner or lessee shall give to such weighman, free access to all scales and weights used for that purpose and to all books wherein the weights of coal mined by the miners of said mines are recorded.

SEC. 3. Any mine owner, operator, manager, superintendent or lessee operating any coal mine in this State who shall refuse to allow any such check weighman to be so employed or shall refuse such check weighman access to such aforesaid scales, weights or books shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in the sum of not less than \$25.00 nor more than \$500.00.

Approved, March 31, 1897.

CHAPTER 50.—*Coercion of employees.*

SECTION 1. It shall be unlawful for any individual, company or corporation or any member of any firm, or agent, officer or employee of any company or corporation, to prevent employees from forming, joining or belonging to any lawful labor organization, union, society or political party, or to coerce or attempt to coerce employees by discharging or threatening to discharge them from their employ or the employ of any firm, company or corporation, because of their connection with such lawful labor organization, union, society or political party.

SEC. 2. Any person or any member of any firm, or agent, officer or employee of any such company or corporation, violating the provisions of section one of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred dollars nor more than five hundred dollars or imprisoned for a period not less than six months nor more than one year, or both, in the discretion of the court.

Approved, March 18, 1897.

CHAPTER 51.—*Regulating practice of horseshoeing.*

SECTION. 1. No person shall practice horseshoeing as a master or journeyman horseshoer in any city of this State having a population of 70,000 inhabitants or more, unless he is duly registered as hereinafter provided in a book kept for that purpose in the office of the county clerk of the county in which he practices.

Apprentices may follow the occupation of horseshoeing while learning the trade.

SEC. 2. No person shall be entitled to register as master or journeyman horseshoer without presenting a certificate of satisfactory examination before the board of examiners as provided for in section 4.

SEC. 3. Any person who has been practicing as a master or journeyman horseshoer in the State for the period of not less than four years preceding the passage of this act may register within three months after the passage of this act, upon making and filing with the county clerk of the county in which he practices an affidavit stating that he has been practicing horseshoeing for the period hereinbefore prescribed, and upon complying with this section shall be exempt from the provisions of this act, requiring an examination. Any person who wishes to practice as a master or journeyman can apply to the board of examiners, and upon passing a satisfactory examination shall receive a certificate to practice as such.

SEC. 4. A board of examiners, consisting of one veterinarian and two master horseshoers and two journeymen horseshoers, is hereby created, all of whom shall be residents of the State of Colorado, whose duty it shall be to carry out the provisions of this act. The members of said board shall be appointed by the governor, and the term of office shall be for two years, or until their successors shall be duly appointed and qualified. The board of examiners shall hold sessions for the purpose of examining applicants desiring to practice horseshoeing as master or journeyman horseshoers as often as shall be necessary, and shall grant a certificate to any person showing himself qualified to practice, and shall receive as compensation a fee of two dollars from each person examined. Three members of said board, including the veterinary surgeon and at least one master horseshoer, shall constitute a quorum. The board shall adopt a set of rules governing examination of applicants. The board of examiners shall regulate as to the time apprentices shall serve in learning the trade, which shall not be more than three years at any time, and an apprentice may make application to the board of examiners, and if he passes a satisfactory examination they shall grant him a certificate to practice as a master or journeyman. The board of examiners shall submit to the governor a biennial report as to receipts and expenditures, and the business transacted by them. They shall also submit to him the rules for examination for his approval.

SEC. 5. The veterinary surgeon appointed on said board shall be a practicing graduate, having a diploma from some reputable veterinary institute, who has been a resident of Colorado three years prior to his appointment. The master horseshoers appointed on said board shall have had ten years' practice as horseshoers, and in business giving employment to horseshoers prior to and at the time of appointment, having had a bona fide residence of five years in the State of Colorado. The journeyman horseshoers shall have had ten years' practical experience in horseshoeing, with a residence of five years in Colorado prior to appointment. Each member of the board shall give a bond of \$500 to the State for the faithful performance of his duties as member of the board.

SEC. 6. The county clerk of each county containing any such city shall provide a book to be known as the "Master and Journeyman Horseshoers' Register," in which shall be recorded the names of the registrants, who shall then be entitled to continue the practice of horseshoeing. Every applicant who shall have complied with the

provisions of sections 2 and 3, shall be admitted to registration, and shall pay the clerk of said county the sum of twenty-five cents, which shall be received as full compensation for such registration.

SEC. 7. Any person who shall present to the clerk for the purpose of registration any certificate which has been fraudulently obtained, or shall practice as a master or journeyman horseshoer without conforming to the requirements of this act, or shall otherwise violate or neglect to comply with any of the provisions of this act, shall be guilty of a misdemeanor, and shall be subject to a fine of not less than five dollars nor more than fifty dollars, or imprisonment in the county jail for a period of not less than one day and not exceeding thirty days for each and every violation hereof; each day being considered a separate offense.

SEC. 8. Justices of the peace shall have jurisdiction in all cases arising under this act.

Approved March 31, 1897.

CHAPTER 69.—*Railroads—Protection of employees—Safety apparatus.*

SECTION 1. From and after the passage of this act, it shall be the duty of all corporations, companies and persons using, maintaining, operating or controlling any railroad, or railroad track, to safely and securely block between the switch rails going into each of the head chairs for a distance of six feet from each and every head block; and to safely and securely block between the rails from the point where the iron filling which extends from the point of each frog ends for a distance of four feet from the end of said filling; and to safely and securely block between each and every guard rail and the main or other adjacent rail for the entire distance of the curve, or curves, in all guard rails at both ends of each and every guard rail; and to safely and securely block between each and every wing rail of all frogs and the heel of each and every frog; and to safely and securely block between the rails in each and every wedge of all frogs; and to safely and securely block for a distance of five feet from the end of each and every split rail between such split rail and the adjacent rail of all split switches.

SEC. 2. In all trials in all courts in this State, to recover for personal injury, and in all cases of personal injury to employees, or other persons, occasioned by, or in any manner directly or indirectly resulting from being caught between any of the aforesaid rails, testimony relative to compliance with the requirements of this act shall be admitted. And where a failure is shown on the part of any such corporation, company or person to have safely and securely blocked such rails in accordance with the provisions of this act, such failure to have complied with any of the provisions of this act shall be prima facie evidence of the negligence of any such corporation, company or other person so failing to comply with any of the provisions of this act where any such employee, or other person, may be caught between such rails not blocked in accordance with the provisions of this act.

Approved April 1, 1897.

CONNECTICUT.

ACTS OF 1897.

CHAPTER 40.—*Wages preferred—In payments by receivers.*

SECTION 1. All debts due to any laborer or mechanic for personal wages, from any corporation or copartnership for which a receiver shall be appointed, for any labor performed for such corporation or copartnership within three months next preceding the service of the application for the appointment of a receiver, shall be paid in full by the receiver, to the amount of one hundred dollars, before the general liabilities of such corporation or copartnership are paid.

SEC. 2. Chapter CCXLII of the public acts of 1895, and all other acts or parts of acts inconsistent herewith, are hereby repealed.

SEC. 3. This act shall take effect from its passage.

Approved March 17, 1897.

CHAPTER 174.—*Bake shops—Inspection, etc.*

SECTION 1. Every building, room, or place, used in or in connection with the manufacture for sale of any article of food composed wholly or in part of flour or meal from cereals, shall be known under this act as a "bake shop."

SEC. 2. Every bake shop shall be properly drained, plumbed, ventilated, and kept in a clean and sanitary condition, and conducted with proper regard to the health of the operatives and the production of wholesome food.

SEC. 3. Every bake shop shall be provided with a proper wash room and water-closet or closets, apart from the bake room or rooms where the manufacture of such food products is conducted, and no water-closet, earth closet, or privy shall be within the bake room of any bakery.

SEC. 4. The sleeping places for persons employed in a bake shop shall be kept separate from the room or rooms where flour or meal food products are manufactured or stored.

SEC. 5. The factory inspector shall examine all bake shops as frequently as may be necessary, to ascertain whether they are kept and conducted in the manner herein provided; and shall, in addition to such regulation as the factory inspector is by law now authorized to make, report in writing to the local health officer of any town, city, or borough, every bake shop located within such jurisdiction found not kept and conducted as herein provided; and such health officer shall thereupon investigate, or cause to be investigated by other health officer or officers, such unsanitary conditions so reported to him, and if found to exist, shall cause the same to be removed in the manner now provided by the laws relating to public health, as provided in section 2592 of the general statutes.

Approved May 25, 1897.

CHAPTER 184.—*Blacklisting.*

Every employer who shall blacklist an employee with intent to prevent such employee from procuring other employment shall, upon conviction, be fined not more than two hundred dollars.

Approved May 25, 1897.

CHAPTER 241.—*Inclosed vestibules and gates upon street railway cars.*

SECTION 1. Whenever the railroad commissioners deem it needful in the interests of the public or employees thereon concerned, that the platforms of any or all of the cars operated upon any street railway in this State should be protected by gates or vestibules more or less inclosed, said commissioners may order the company operating such car or cars to inclose the platforms thereon with gates or vestibules, or both, of the kind and in such manner as they may deem necessary and proper for the protection of said interests, first giving such company reasonable notice to appear and be heard thereon, and may from time to time similarly modify or revoke any such order; and said commissioners shall have sole and exclusive jurisdiction with respect to requiring that the platforms of any street railway car or cars be protected or inclosed by gates or vestibules.

SEC. 2. Any company operating such car or cars which shall neglect or refuse to comply with any such order shall forfeit to the treasurer of the State twenty-five dollars for each day of such neglect or refusal.

SEC. 3. All acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 4. This act shall take effect upon its passage.

Approved June 11, 1897.

DELAWARE.

ACTS OF 1897.

CHAPTER 452.—*Protection of female employees.*

SECTION 1 (as amended by chapter 453, acts of 1897). It shall be the duty of every person or corporation employing female labor to the number of ten or upwards in New Castle County to provide, within three months after the passage of this act, a room or rooms, plainly and appropriately furnished, for such female employees to dress, wash and lunch in, separate and apart from the male employees of such person or corporation, allowing in said separate room or rooms [sic]; and further, to provide washing sinks for such female employees, separate and apart from such male employees, allowing one such washing sink to each fifteen of such female employees employed by such person or corporation; and further, to provide water-closets for such female employees, separate from those used by such male employees: *Provided*, That nothing in this section shall apply to canning establishments doing business in the rural districts of said county.

SEC. 2. It shall be the duty of every storekeeper in New Castle County to provide seats for his or her clerks and employees, so that when unemployed such clerks and employees may be seated.

SEC. 3. It shall be the duty of every person or corporation employing female labor to provide such places for such female employees to work in during cold weather as shall be reasonably and comfortably warm.

SEC. 4. It shall be unlawful for any employer of female labor, or any overseer, superintendent, foreman or boss of any such employer of female labor to use toward female employees any abusive, indecent or profane language, or to in any manner abuse, misuse, unnecessarily expose to hardship, or maltreat any such female employee.

SEC. 5. Any person violating any provision of section 4 of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten and not exceeding one hundred dollars for each offense; any person or corporation violating any provision of the first, second and third sections of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined the sum of ten dollars, and shall be subject to the further penalty of ten dollars for each day thereafter during which such corporation or person shall refuse or neglect to provide the furnished rooms, seats, appliances or furnish the heat therein mentioned.

SEC. 6 (as amended by chapter 453, acts of 1897). Prosecutions for violation of the provisions of this act may be instituted upon the complaint of any person before any justice of the peace of New Castle County resident in the hundred in which the place of business of such employer shall be located, or in a hundred adjacent thereto. Any such justice of the peace shall have jurisdiction to hear, try and determine such complaints with an appeal to the court of the general sessions of the peace and jail delivery. Upon conviction of violation of any of the provisions of this act the justice of the peace hearing said complaint shall remand the defendant or defendants, if individuals, to the custody of the sheriff, until the fines, costs and penalties imposed by him in such case shall be paid upon conviction of violation of any of the provisions of this act. The justice of the peace hearing said complaint, in case said defendant is a corporation, shall have authority to issue execution against said defendant for the fine and costs and all penalties imposed or accruing against said defendant under the provisions of this act. All fines and penalties imposed under this act shall be paid into the treasury of New Castle County. In any prosecution under the first section of this act it shall not be necessary to aver in the complaint, or to prove in behalf of the prosecution at the trial thereof, that the defendant employs female labor to the number of ten or upwards; *Provided, however*, That the defendant in any such prosecution may introduce evidence upon this point, and if the justice of the peace trying said cause shall find that such defendant does not employ female labor to the number of ten or upwards, said prosecution shall fail. All prosecutions under this act shall be in the name of [the] State of Delaware.

SEC. 7. The chief justice of the State of Delaware is hereby authorized and required within sixty days after the passage of this act to appoint a female inspector, whose duty it shall be to visit from time to time all stores, mills, factories and other places of business where female labor is employed and to duly enforce the provisions of this act. Whenever said inspector shall ascertain that the provisions of this act or any of them are being violated by any employer in New Castle County, it shall be the duty of said inspector to serve upon such violator of the provisions of this act written notice that unless such employer shall conform to the requirements of this act, and wholly cease any violation thereof within ten days from the service of such notice, such employer will be prosecuted under the provisions of this act. And it shall further be the duty of said inspector in case of the neglect or failure of such employer, who has received such notice, to conform to the provisions of this act, and to cease all violations thereof within ten days from the said service of said notice, to institute the prosecution of such recalcitrant employer or employers under the provisions of this act, by swearing out before any justice of the peace in New Castle County resident in the hundred where said employer may have his, her or its place of business, or in an adjacent hundred, the necessary warrant or complaint and thereupon to assist and enforce the prosecution of the person or corporation so complained of to the full extent of her power, and it shall further be the duty of such inspector in case any prosecution under the provisions of this act shall be begun or instituted by any other person than such inspector, to aid, further and assist such independent prosecution of such employer to the best of her power, and whenever such independent prosecution of any such employer shall be begun by any person other than said inspector it shall be the duty of the justice of the peace before whom such complaint shall be made to straightway notify by due course of mail the inspector appointed under this act, informing such inspector of the name of the complainant and defendant, of the names of the witnesses indorsed upon said complaint and of the day, hour and place fixed for the hearing of said cause.

SEC. 8. It shall be the duty of every employer of female labor in New Castle County, whether to the number of ten or upward or less, to permit said inspector to have full and free access at any time during the working noon hours of said employees to the place of business of such employer where such employees are employed, and in case any such employer shall refuse such inspector full and free access to his place of business as aforesaid, or shall in any way hinder or prevent the full performance

of her duties of inspection under the provisions of this act, such employer shall be deemed guilty of a misdemeanor, and upon every conviction of such interference with said inspector in the performance of her duties, shall pay a fine to New Castle County of ten dollars, which fine shall be collected in the same manner as the other fines and penalties heretofore provided for in this act.

SEC. 9 (as amended by chapter 453, acts of 1897). The inspector appointed under this act shall hold her said office for the term of two years, or until her successor is appointed, and shall receive an annual salary of three hundred dollars, payable quarterly, by warrants upon the county treasury; it shall further be her duty on the first day of August in each year subsequent to the year of her appointment, to make a written report to the chief justice of her acts and of all transactions under this statute. The provisions of this act shall apply to and be enforced only in duly incorporated towns and cities in New Castle County.

Passed at Dover, May 10, 1897.

ILLINOIS.

ACTS OF 1897.

Employment of children.

(Page 96.)

SECTION 1. No child under the age of fourteen years shall be employed, permitted or suffered to work for wages at any gainful occupation hereinafter mentioned.

SEC. 2. It shall be the duty of every person, firm or corporation, agent or manager of any firm or corporation employing minors in any mercantile institution, store, office, laundry, manufacturing establishment, factory or workshop within this State to keep a register in said mercantile establishment, store, office, laundry, manufacturing establishment, factory or workshop in which said minors shall be employed or permitted or suffered to work, in which register shall be recorded the name, age and place of residence of every child employed, or permitted or suffered to work therein under the age of sixteen years, and it shall be unlawful for any person, firm or corporation, agent or manager of any firm or corporation to hire or employ, or to permit or to suffer to work in any mercantile institution, store, office, laundry, manufacturing establishment, factory or workshop, any child under the age of sixteen years and over the age of fourteen years, unless there is first provided and placed on file in such mercantile institution, office, laundry, manufacturing establishment, factory, or workshop an affidavit made by the parent or guardian stating the name, date and place of birth of such child. If such child shall have no parent or guardian, then such affidavit shall be made by the child. And the register and affidavits herein provided for shall, on demand, be produced and shown for inspection to the State factory inspector, assistant State factory inspector, or deputy State factory inspector.

SEC. 3. Every person, firm or corporation, agent or manager of a corporation employing, or permitting or suffering to work children under the age of sixteen years, and over the age of fourteen years, in any mercantile institution, store, office, laundry, manufacturing establishment, factory or workshop shall post, and keep posted in a conspicuous place in every room in which such help is employed, or permitted or suffered to work, a list containing the name, age and place of residence of every person under the age of sixteen years employed, permitted or suffered to work in such room.

SEC. 4. No person under the age of sixteen years shall be employed or suffered to work for wages at any gainful occupation more than sixty hours in any one week, nor more than ten hours in any one day.

SEC. 5. The presence of any person under sixteen years of age in any manufacturing establishment, factory or workshop shall constitute prima facie evidence of his or her employment therein.

SEC. 6. No child under the age of sixteen years shall be employed, or permitted or suffered to work by any person, firm or corporation in this State at such extra hazardous employment whereby its life or limb is in danger, or its health is likely to be injured, or its morals may be depraved.

SEC. 7. It shall be the duty of the State factory inspector to enforce the provisions of this act, and to prosecute all violations of the same before any magistrate or any court of competent jurisdiction in this State. It shall be the duty of the State factory inspector, assistant State factory inspector, and of the deputy State factory inspectors, under the supervision and direction of the State factory inspector, and they are hereby authorized and empowered to visit and inspect, at all reasonable times, and as often as possible, all places covered by this act.

SEC. 8. The words "manufacturing establishment," "factory" or "workshop," as used in this act, shall be construed to mean any place where goods or products are

manufactured or repaired, dyed, cleaned or sorted, stored or packed, in whole or in part, for sale or for wages, and not for personal use of the maker, or his or her family or employer.

SEC. 9. Any person, firm or corporation, agent or manager of any corporation, who, whether for himself or for such firm or corporation, or by himself or through subagents or foreman, shall violate or fail to comply with any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) for each offense. Any corporation which, by its agents, officers or servants, shall violate or fail to comply with any of the provisions of this act shall be liable to the above penalties, which may be recovered against such corporation in an action for debt or assumpsit, brought before any court of competent jurisdiction in this State.

SEC. 10. All acts or parts of acts inconsistent with this act are hereby repealed.

Approved June 9, 1897.

Fire escapes on factories, tenement houses, etc.

(Page 222.)

SECTION 1. Within three (3) months next after the passage of this act all buildings in this State which are four or more stories in height, excepting such as are used for private residences exclusively, but including flats and apartment buildings, shall be provided with one or more metallic ladder or stair fire escapes attached to the outer walls thereof, and provided with platforms of such form and dimensions, and such proximity to one or more windows of each story above the first, as to render access to such ladder or stairs from each such story easy and safe, and shall also be provided with one or more automatic metallic fire escapes, or other proper device, to be attached to the inside of said buildings so as to afford an effective means of escape to all occupants who, for any reason, are unable to use said ladders or stairs; the number, location, material and construction of such escapes to be subject to the approval of the inspector of factories: *Provided, however,* That all buildings more than two stories in height, used for manufacturing purposes, or for hotels, dormitories, schools, seminaries, hospitals, or asylums, shall have at least one such ladder fire escape for every fifty (50) persons, and one such automatic metallic escape, or other device, for every twenty-five (25) persons, for which working, sleeping or living accommodations are provided above the second stories of said buildings; and that all public halls which provide seating room above the first or ground story shall be provided with such numbers of said ladder and other fire escapes as said inspector of factories shall designate.

SEC. 2. All buildings of the number of stories and used for the purposes set forth in section one (1) of this act which shall be hereafter erected within this State shall, upon or before their completion, each be provided with fire escapes of the kind and number and in the manner set forth in this act.

SEC. 3. It shall be the duty of said inspector of factories to serve a written notice, in behalf of the people of the State of Illinois, upon the owner or owners, trustees or lessees, or occupant, of any building within this State not provided with fire escapes in accordance with the requirements of this act, commanding such owner, trustee, lessee or occupant, or either of them, to place or cause to be placed upon such building such fire escape or escapes as provided in section one (1) of this act, within thirty (30) days after the service of such notice. And the grand juries of the several counties of this State may also, during any term, visit or hear testimony relating to any building or buildings within their respective counties for the purpose of ascertaining whether it or they are provided with fire escapes in accordance with the requirements of this act, and submit the result of their inquiry, together with any recommendations they may desire to make, to the circuit court, except in Cook County, and to the criminal court of Cook County, and said court may thereupon, if it find from the report of said grand jury that said building or buildings is or are not provided with a fire escape or escapes in accordance with this act, cause the sheriff to serve a notice or notices upon the owner, trustee, lessee or occupant of such building or buildings.

SEC. 4. Any such owner or owners, trustee, lessee, or occupant, or either of them, so served with notice as aforesaid, who shall not, within thirty (30) days after the service of such notice upon him or them, place, or cause to be placed, such fire escape or escapes upon such building as required by this act and the terms of such notice, shall be subject to a fine of not less than twenty-five or more than two hundred dollars, and to a further fine of fifty dollars for each additional week of neglect to comply with such notice.

SEC. 5. The erection and construction of any and all fire escapes provided for in *this act shall be under the direct supervision and control of said inspector of fac-*

tories, and it shall be unlawful for any person or persons, firm or corporation to erect or construct any fire escape or escapes, except in accordance with a written permit first had and obtained and signed by said inspector of factories, which permit shall prescribe the number, location, material, kind and manner of construction of such fire escapes.

SEC. 6. Any person or persons, firm or corporation, who shall be required to place one or more fire escapes upon any building or buildings, under the provisions of this act, shall file in the office of said inspector of factories a written application for a permit to erect or construct such fire escape or escapes, which application shall briefly describe the character of such building or buildings, the height and number of stories thereof, the number of fire escapes proposed to be placed thereon, the purposes for which such building or buildings is or are used, and the greatest number of people who use or occupy or are employed in such building or buildings above the second stories thereof at any one time.

SEC. 7. An act entitled "An act relating to fire escapes for buildings," approved June 29, 1885, in force July 1, 1885 [chapter 55 a, Revised Statutes of 1891], is hereby repealed.

Approved, May 27, 1897.

Exemption from garnishment—Wages.

(Page 231.)

SECTION 1. Section 14 of an act entitled "An act in regard to garnishment," approved March 9, 1872, in force July 1, 1872, as amended by the act of May 31, 1879, in force July 1, 1879 [section 14 of chapter 62, Revised Statutes of 1891], is hereby amended to read as follows:

SECTION 14. The wages for services of a defendant, who is the head of a family and residing with the same, to the amount of eight (8) dollars per week shall be exempt from garnishment. All above the sum of eight (8) dollars per week shall be liable to garnishment: *Provided*, The person bringing suit shall first make a demand in writing for the excess above the amount herein exempted. No cost or expenses shall be chargeable to the defendant unless he shall refuse to turn over to the creditor the amount due him above that herein exempted upon such written demand.

Approved, June 14, 1897.

Examination, licensing, etc., of horseshoers.

(Page 233.)

SECTION 1. It shall be unlawful for any person to practice as a horseshoer in this State unless such person shall have received a license to do so as hereinafter provided.

SEC. 2. A board of examiners, to consist of four practicing horseshoers and a veterinary surgeon, is hereby created, whose duty it shall be to carry out the provisions of this act, two of said horseshoers to be master horseshoers and two of them to be journeymen horseshoers, and a veterinary surgeon not to be engaged in the practice of horseshoeing during his term of service on said board, and in case that either of said journeymen horseshoers shall become a master horseshoer, or either of said master horseshoers shall become a journeyman horseshoer, during his term of office as herein provided, then he shall forfeit his membership on said board and his place shall be immediately filled in the manner provided for in the original appointment of said board. The members of said board shall be appointed by the governor. The term for which the members of said board shall hold their office shall be five years, except that the members of said board first appointed hereunder shall hold their office for the term of one, two, three, four and five years, respectively, and until their successors shall be duly appointed. In case of vacancy occurring on said board, such vacancy shall be filled by the governor.

SEC. 3. Said board shall choose one of its members for president, one for secretary, and one for treasurer thereof, and it shall meet at least once in each year and as much oftener, and at such times and places, as it may deem necessary. A majority of said board shall constitute a quorum, and the proceedings thereof shall be at all times open to public inspection.

SEC. 4. It shall be the duty of every person who is engaged as a horseshoer in this State to cause his or her name and residence to be registered with said board of examiners within six months after the date of the passage of this act, and said board of examiners shall keep a book for that purpose, and it shall be the duty of said board to know that the persons so registering are horseshoers, and every person who

manufactured or repaired, dyed, cleaned or sorted, stored or packed, in whole or in part, for sale or for wages, and not for personal use of the maker, or his or her family or employer.

SEC. 9. Any person, firm or corporation, agent or manager of any corporation, who, whether for himself or for such firm or corporation, or by himself or through subagents or foreman, shall violate or fail to comply with any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) for each offense. Any corporation which, by its agents, officers or servants, shall violate or fail to comply with any of the provisions of this act shall be liable to the above penalties, which may be recovered against such corporation in an action for debt or assumpsit, brought before any court of competent jurisdiction in this State.

SEC. 10. All acts or parts of acts inconsistent with this act are hereby repealed.

Approved June 9, 1897.

Fire escapes on factories, tenement houses, etc.

(Page 222.)

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SEC. 2. All buildings of the number of stories and used for the purposes set forth in section one (1) of this act which shall be hereafter erected within this State shall, upon or before their completion, each be provided with fire escapes of the kind and number and in the manner set forth in this act.

SEC. 3. It shall be the duty of said inspector of factories to serve a written notice, in behalf of the people of the State of Illinois, upon the owner or owners, trustees or lessees, or occupant, of any building within this State not provided with fire escapes in accordance with the requirements of this act, commanding such owner, trustee, lessee or occupant, or either of them, to place or cause to be placed upon such building such fire escape or escapes as provided in section one (1) of this act, within thirty (30) days after the service of such notice. And the grand juries of the several counties of this State may also, during any term, visit or hear testimony relating to any building or buildings within their respective counties for the purpose of ascertaining whether it or they are provided with fire escapes in accordance with the requirements of this act, and submit the result of their inquiry, together with any recommendations they may desire to make, to the circuit court, except in Cook County, and to the criminal court of Cook County, and said court may thereupon, if it find from the report of said grand jury that said building or buildings is or are not provided with a fire escape or escapes in accordance with this act, cause the sheriff to serve a notice or notices upon the owner, trustee, lessee or occupant of such building or buildings.

SEC. 4. Any such owner or owners, trustee, lessee, or occupant, or either of them, so served with notice as aforesaid, who shall not, within thirty (30) days after the service of such notice upon him or them, place, or cause to be placed, such fire escape or escapes upon such building as required by this act and the terms of such notice, shall be subject to a fine of not less than twenty-five or more than two hundred dollars, and to a further fine of fifty dollars for each additional week of neglect to comply with such notice.

SEC. 5. The erection and construction of any and all fire escapes provided for in this act shall be under the direct supervision and control of said inspector of fac-

tories, and it shall be unlawful for any person or persons, firm or corporation to erect or construct any fire escape or escapes, except in accordance with a written permit first had and obtained and signed by said inspector of factories, which permit shall prescribe the number, location, material, kind and manner of construction of such fire escapes.

SEC. 6. Any person or persons, firm or corporation, who shall be required to place one or more fire escapes upon any building or buildings, under the provisions of this act, shall file in the office of said inspector of factories a written application for a permit to erect or construct such fire escape or escapes, which application shall briefly describe the character of such building or buildings, the height and number of stories thereof, the number of fire escapes proposed to be placed thereon, the purposes for which such building or buildings is or are used, and the greatest number of people who use or occupy or are employed in such building or buildings above the second stories thereof at any one time.

SEC. 7. An act entitled "An act relating to fire escapes for buildings," approved June 29, 1885, in force July 1, 1885 [chapter 55 a, Revised Statutes of 1891], is hereby repealed.

Approved, May 27, 1897.

Exemption from garnishment—Wages.

(Page 231.)

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SECTION 14. The wages for services of a defendant, who is the head of a family and residing with the same, to the amount of eight (8) dollars per week shall be exempt from garnishment. All above the sum of eight (8) dollars per week shall be liable to garnishment: *Provided*, The person bringing suit shall first make a demand in writing for the excess above the amount herein exempted. No cost or expenses shall be chargeable to the defendant unless he shall refuse to turn over to the creditor the amount due him above that herein exempted upon such written demand.

Approved, June 14, 1897.

Examination, licensing, etc., of horseshoers.

(Page 233.)

SECTION 1. It shall be unlawful for any person to practice as a horseshoer in this State unless such person shall have received a license to do so as hereinafter provided.

SEC. 2. A board of examiners, to consist of four practicing horseshoers and a veterinary surgeon, is hereby created, whose duty it shall be to carry out the provisions of this act, two of said horseshoers to be master horseshoers and two of them to be journeymen horseshoers, and a veterinary surgeon not to be engaged in the practice of horseshoeing during his term of service on said board, and in case that either of said journeymen horseshoers shall become a master horseshoer, or either of said master horseshoers shall become a journeyman horseshoer, during his term of office as herein provided, then he shall forfeit his membership on said board and his place shall be immediately filled in the manner provided for in the original appointment of said board. The members of said board shall be appointed by the governor. The term for which the members of said board shall hold their office shall be five years, except that the members of said board first appointed hereunder shall hold their office for the term of one, two, three, four and five years, respectively, and until their successors shall be duly appointed. In case of vacancy occurring on said board, such vacancy shall be filled by the governor.

SEC. 3. Said board shall choose one of its members for president, one for secretary, and one for treasurer thereof, and it shall meet at least once in each year and as much oftener, and at such times and places, as it may deem necessary. A majority of said board shall constitute a quorum, and the proceedings thereof shall be at all times open to public inspection.

SEC. 4. It shall be the duty of every person who is engaged as a horseshoer in this State to cause his or her name and residence to be registered with said board of examiners within six months after the date of the passage of this act, and said board of examiners shall keep a book for that purpose, and it shall be the duty of said board to know that the persons so registering are horseshoers, and every person who

shall so register with said board as a horseshoer may continue to practice the same as such without incurring any of the penalties provided for in this act.

SEC. 5. No person whose name is not registered on the books of said board as a horseshoer within the time prescribed in the preceding section shall be permitted to practice as a horseshoer in this State until such person shall have been duly examined by said board and regularly licensed in accordance with the provisions of this act.

SEC. 6. The necessary qualification to practice as a horseshoer in this State shall be that the applicant has worked four years at the business of horseshoeing and has complied with section five of this act.

SEC. 7. Any and all persons who shall so desire may appear before said board at any of its regular meetings and be examined with reference to their knowledge and skill in horseshoeing, and if the examination of such person or persons shall prove satisfactory to said board, the said board shall issue to such person or persons a license to practice in this State as a horseshoer.

SEC. 8. The secretary of said board shall issue a license on the recommendation of two members of the board to any applicant upon the presentation by such applicant of the evidence of the necessary qualifications to practice as a horseshoer, and said board may provide such method of examination as it may deem wise, and such temporary license shall remain in force until the next regular meeting of said board occurring after the date of such temporary license, and no longer.

SEC. 9. Any person who shall violate the provisions of this act shall be liable to prosecution before any court of competent jurisdiction, and, upon conviction, may be fined not less than \$25.00 nor more than \$200.00 for each and every offense. All fines recovered under this act shall be paid into the common-school fund of the county in which said conviction takes place.

SEC. 10. In order to carry out the provisions of this act and maintenance of the said board of examiners, the said board of examiners shall charge each person applying to or appearing before them for license to practice as a horseshoer a fee of \$5.00, and for each yearly renewal thereafter \$2.00, and out of the funds coming into the possession of the said board from the fees so charged the members of said board shall receive as compensation the sum of \$5.00 per diem for each and every day engaged in the discharge of the duties of their office, and all necessary expenses incurred by said board, and no part of the salary of said board or other expense shall be paid out of the State treasury. All moneys received in excess of said per diem allowance and other expenses above provided for shall be held by the treasurer of said board, he giving such bond as the board from time to time shall direct, and shall not be used or expended by him except as ordered by the board, and said board shall make an annual report of its proceedings to the governor by the 15th of December of each and every year, said report to show the names of all the horseshoers, their places of business, and the moneys received and disbursed by them pursuant to this act.

SEC. 11. Any person or persons, not practical horseshoers, desiring to engage in the business of horseshoeing will be permitted to do so, providing such person or persons employ as superintendent or foreman of their shoeing establishment a practical horseshoer who has complied with section 7 of this act by presenting himself before the board of examiners for examination and by proving to the board that he is entitled to a license to practice in this State as horseshoer.

SEC. 12. It is required that any person contracting to serve an apprenticeship at horseshoeing shall serve for four years, and in addition will be required (if convenient) to attend a course of lectures each year in some institution devoted to the anatomy of the horse's feet, so that he may obtain for himself a knowledge of the same, which is acknowledged by all practical horseshoers to be necessary in order to attain the high standard in horseshoeing which the passage of this act is intended to insure.

SEC. 13. All persons who have served the apprenticeship of four years, as prescribed in this act, shall, at the expiration of their apprenticeship, appear before the board of examiners for examination as to skill and knowledge of horseshoeing, and if found competent shall receive a license to practice horseshoeing in this State. Any applicant failing to pass the examination will be granted an extension of one year in which to qualify himself, and may appear before the board at any of its regular meetings for reexamination.

SEC. 14. It shall be the duty of the secretary of the board of examiners to notify all practicing horseshoers in the State of Illinois of the provisions of this act within six months after the board shall have been appointed.

SEC. 15. This act applies only to towns and cities of 50,000 inhabitants and over, but it shall be optional with all towns and cities of 10,000 or over to come under the provisions of this act.

Approved June 11, 1897.

Factories, etc.—Use of blowers upon metal-polishing machinery.

(Page 250.)

SECTION 1. All persons, companies or corporations operating any factory or workshop where emery wheels or emery belts of any description are used, either solid emery, leather, leather-covered, felt, canvas, linen, paper, cotton, or wheels or belts rolled or coated with emery or corundum, or cotton wheels used as buffs, shall provide the same with blowers, or similar apparatus, which shall be placed over, beside or under such wheels or belts in such a manner as to protect the person or persons using the same from the particles of the dust produced and caused thereby, and to carry away the dust arising from or thrown off by such wheels or belts while in operation directly to the outside of the building or to some receptacle placed so as to receive and confine such dust: *Provided*, That grinding machines upon which water is used at the point of the grinding contact shall be exempt from the provisions of this act: *And provided*, This act shall not apply to small shops employing not more than one man in such work.

SEC. 2. It shall be the duty of any person, company or corporation operating any such factory or workshop to provide or construct such appliances, apparatus, machinery or other things necessary to carry out the purpose of this act, as set forth in the preceding section, as follows: Each and every such wheel shall be fitted with a sheet of [or!] cast-iron hood or hopper of such form and so applied to such wheel or wheels that the dust or refuse therefrom will fall from such wheels, or will be thrown into such hood or hopper by centrifugal force, and be carried off by the current of air into a suction pipe attached to same [said] hood or hopper.

SEC. 3. Each and every such wheel six inches or less in diameter shall be provided with a three-inch suction pipe; wheels six inches to twenty-four inches in diameter with four-inch [such] suction pipe; wheels from twenty-four inches to thirty-six inches in diameter with five-inch suction pipe; and all wheels larger in diameter than those stated above shall be provided each with a suction pipe not less than six inches in diameter. The suction pipe from each wheel, so specified, must be full size to the main-trunk suction pipe, and the main suction pipe to which smaller pipes are attached shall, in its diameter and capacity, be equal to the combined area of such smaller pipes attached to the same, and the discharge pipe from the exhaust fan, connected with such suction pipe or pipes, shall be as large or larger than the suction pipe.

SEC. 4. It shall be the duty of any person, company or corporation operating any such factory or workshop to provide the necessary fans or blowers to be connected with such pipe or pipes, as above set forth, which shall be run at a rate of speed as will produce a velocity of air in such suction or discharge pipe of at least nine thousand feet per minute to an equivalent suction or pressure of air equal to raising a column of water not less than five inches in a U-shaped tube. All branch pipes must enter the main-trunk pipe at an angle of forty-five degrees or less, the main suction or trunk pipe shall be below the emery or buffing wheels and as close to the same as possible, and to be either upon the floor or beneath the floor on which the machines are placed to which such wheels are attached. All bends, turns or elbows in such pipes must be made with easy, smooth surfaces, having a radius in the throat of not less than two diameters of the pipe on which they are connected.

SEC. 5. It shall be the duty of any factory inspector, sheriff, constable or prosecuting attorney of any county in this State in which any such factory or workshop is situated, upon receiving notice in writing signed by any person having knowledge of such facts, accompanied by the sum of one dollar as compensation for his services, that such factory or workshop is not provided with such appliances as herein provided for, to visit any such factory or workshop and inspect the same, and for such purpose they are hereby authorized to enter any factory or workshop in this State during working hours, and upon ascertaining the facts that the proprietors or managers of such factory or workshops have failed to comply with the provisions of this act, to make complaint of the same in writing before a justice of the peace or police magistrate having jurisdiction, who shall thereupon issue his warrant, directed to the owner, manager or director, in such factory or workshop, who shall be thereupon proceeded against for the violation of this act and [as] hereinafter mentioned, and it is made the duty of the prosecuting attorney to prosecute all cases under this act.

SEC. 6. Any person or persons or company, or managers, or directors of any such company or corporation who shall have the charge or management of such factory or workshop, who shall fail to comply with the provisions of this act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof before any court of competent jurisdiction, shall be punished by a fine of not less than twenty-five dollars and not exceeding one hundred dollars.

Approved June 11, 1897.

Coal miners.

(Page 268.)

SECTION 1. From and after the passage of this act every person desiring to work by himself in rooms of coal mines in this State shall first produce satisfactory evidence to the mine manager of the mine in which he is employed, or desires to be employed, that he has worked at least two (2) years with or as a practical miner. Until said applicant has so satisfied the mine manager of the mine in which he seeks such employment of his competency, he shall not be allowed to mine coal, unless accompanied by some competent coal miner, until he becomes duly qualified.

SEC. 2. Any violation of section one (1) of this act shall work a forfeiture of the certificate of the manager of the mine where any such party or parties are employed. Approved, June 7, 1897.

Inspection, etc., of coal mines.

(Page 269.)

SECTION 1. Section eleven e (11e) of the amended act of 1895, entitled "An act to amend section eleven (11) of an act entitled 'An act providing for the health and safety of persons employed in coal mines,' approved May 28, 1879, in force July 1, 1879, as amended by an act approved July 18, 1883, and an act approved June 30, 1885, and to repeal section two (2) of an act entitled 'An act to require inspectors of mines to furnish information to the State geologist and to provide for paying the expenses of the same,' approved June 18, 1891, approved June 15, 1895, in force July 1, 1895 [Revised Statutes of 1891, chapter 93, section 11e], is hereby amended so as to read as follows:

SECTION 11e. It shall be unlawful for any person, company or corporation to operate any coal mine in this State, where more than five men are employed at any one time, without first having complied with all the conditions and sanitary regulations required under existing laws, and paying all inspection fees provided for in this section, and in case of the refusal of any person, company, corporation, owner, agent or operator to pay said inspection fees, after assuming to operate a coal mine, it shall be the duty of the mine inspector in said district, through the State's attorney of the county or any other attorney, in case of his refusal promptly to act, to proceed on behalf of the State against such person, company, corporation, owner, agent or operator of said mine by injunction, without bond, to restrain said person, company, corporation, owner, agent or operator from continuing, or attempting to continue, to operate said mine or carry on a mining business.

Approved, June 7, 1897.

Payment of wages of coal miners.

(Page 270.)

SECTION 1. Every person engaged in mining coal for any corporation, company, firm or individual, shall be paid in lawful money of the United States for all coal mined and loaded into the mine car by such person for such corporation, company, firm or individual, including lump, egg, nut, pea and slack, or such other grades as said coal may be divided into, at such price as may be agreed upon by the respective parties.

SEC. 2. It shall be the duty of the mine inspector to ascertain whether or not the provisions of section one of this act are being complied with in his district, and if he shall find that any corporation, company, firm or individual are violating the provisions of section one of this act, it shall be his duty to at once have instituted suit in the name of the People of the State of Illinois, in some court of competent jurisdiction, for the recovery of the penalty provided for in this act, and it shall be the duty of the State's attorney of the county in which such suit is brought, when notified by the mine inspector, to prosecute such suit as provided by law in other State cases.

SEC. 3. Every corporation, company, firm or individual violating the provisions of this act shall be fined not less than twenty-five nor more than two hundred dollars for each offense.

Approved, June 3, 1897.

Examination, licensing, etc., of plumbers.

(Page 279.)

SECTION 1. Any person now or hereafter engaging in or working at the business of plumbing in cities or towns of 5,000 inhabitants or more, in this State, either as a master plumber or employing plumber or as a journeyman plumber, shall first receive a certificate thereof in accordance with the provisions of this act.

SEC. 2. Any person desiring to engage in or work at the business of plumbing, either as a master plumber or employing plumber, or as a journeyman plumber, shall make application to a board of examiners hereinafter provided for, and shall, at such time and place as said board may designate, be compelled to pass such examination as to his qualifications, as said board may direct; said examination may be made in whole or in part in writing, and shall be of a practical and elementary character but sufficiently strict to test the qualifications of the applicant.

SEC. 3. There shall be in every city, town or village of 10,000 inhabitants or more a board of examiners of plumbers, consisting of three members, one of which shall be the chairman of the board of health, who shall be office [ex officio] chairman of said board of examiners; a second member, who shall be a master plumber, and a third member, who shall be a journeyman plumber. Said second and third members shall be appointed by the mayor and approved by the council or by the board of trustees of said town or village within three months after the passage of this act for the term of one year from the first day of May in the year of appointment, and thereafter annually before the first day of May, and shall be paid from the treasury of said city, town or village the same as other officers in such sums as the authorities may designate.

SEC. 4. Said board of examiners shall, as soon as may be after the appointment, meet and shall then designate the times and places for the examination of all applicants desiring to engage in, or work at, the business of plumbing, within their respective jurisdiction. Said board shall examine said applicants as to their practical knowledge of plumbing, house drainage and plumbing ventilation, and, if satisfied of the competency of such applicants, shall thereupon issue a certificate to such applicant, authorizing him to engage in, or work at, the business of plumbing, whether as master plumber, or employing plumber, or as a journeyman plumber. The fee for a certificate for a master plumber, or employing plumber, shall be \$5.00; for a journeyman plumber it shall be \$1.00. Said certificate shall be valid and have force throughout the State, and all fees received for said certificates shall be paid into the treasury of the city, town or village where said certificates are issued.

SEC. 5. Each city, town or village in this State having a system of water supply or sewerage shall, by ordinance or by-law, within three months of the passage of this act, prescribe rules and regulations for the materials, constructions, alteration and inspection of all plumbing and sewerage placed in, or in connection with, any building in such city, town or village; and the board of health or proper authorities shall further provide that no plumbing work shall be done, except in case of repairing leaks, without a permit being first issued therefor, upon such terms and conditions as such city, town or village, shall prescribe.

SEC. 6. All persons who are required by this act to take examinations and procure a certificate as required by this act shall apply to the board in the city where he resides or to the board nearest his place of residence.

SEC. 7. Any person violating any provisions of this act shall be deemed guilty of a misdemeanor and be subject to a fine of not less than five dollars (\$5.00) nor exceeding fifty dollars (\$50.00) for each and every violation therefor, and his certificate may be revoked by the board of health or proper authorities of said city, town or village.

SEC. 8. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved June 10, 1897.

MASSACHUSETTS.**ACTS OF 1897.****CHAPTER 265.—Examination, licensing, etc., of gas fitters—Boston.**

SECTION 1. No person, firm or corporation shall engage in or work at the business of gas fitting in the city of Boston after the first day of October in the year eighteen hundred and ninety-seven, either as employer or as a journeyman, unless such person, firm or corporation has received a license therefor in accordance with the provisions of this act. The word "journeyman," as used in this act, shall be deemed to mean one who personally does any gas fitting or any work in connection therewith which would be subject to inspection under the provisions of this act.

SEC. 2. Every person, firm or corporation desiring to engage in the business of gas fitting in the city of Boston shall make application therefor to the building commissioner, and shall, at such time and place as may be designated by the board of examiners hereinafter provided for, to whom such application shall be referred, be examined as to his qualifications for such business.

SEC. 3. The board of examiners shall consist of the building commissioner, the chairman of the board of health, who shall be ex officio members of said board and serve without compensation, and a third member, to be chosen by the board of health, who shall be a practical gas fitter of at least five years' continued practical experience during the years next preceding the date of appointment. Said third member shall be chosen within thirty days after the passage of this act, for a term ending on the first day of May in the year eighteen hundred and ninety-eight, and thereafter annually; and he shall be allowed a sum not exceeding five dollars for each day of actual service, to be paid from the treasury of the city of Boston.

SEC. 4. Said board of examiners shall, as soon as may be after the appointment of said third member, meet and organize by the selection of a chairman and clerk, and shall then designate the times and places for the examination of all applicants desiring to engage in or work at the business of gas fitting in the city of Boston. Said board shall examine said applicants as to their practical knowledge of gas fitting, shall submit the applicant to some satisfactory form of practical test, and, if satisfied of the competency of the applicant, shall so certify to the building commissioner, who shall thereupon issue a license to such applicant, authorizing him to engage in or work at the business of gas fitting, first requiring him to register in the office of the said building commissioner his name, place of business or residence, license number, date of examination, and in what capacity licensed. In case of a firm or corporation, the examination of one member of the firm, or of the manager of the corporation, shall satisfy the requirements of this act. The fee for the license of any employing gas fitter shall be two dollars, and for a journeyman, fifty cents; and said license shall continue in force until revoked or canceled, but shall not be transferable.

SEC. 6. Every licensed gas fitter shall display his license number conspicuously at his place of business.

SEC. 11. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall be subject to a fine of not exceeding one hundred dollars for each offense, and if such person has received a license under this act his license may be revoked by the building commissioner.

SEC. 12. The building commissioner shall include in his annual report to the city council a report of the proceedings of the building department under this act, and shall include therein a report of the board of examiners appointed under this act, giving their proceedings during the year ending on the first day of February.

SEC. 13. All acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 14. This act shall take effect upon its passage, except so far as is hereinbefore otherwise provided.

Approved April 10, 1897.

CHAPTER 328.—*Civil-service commission—Registration of applicants for labor.*

SECTION 1. Applicants for positions in the labor service of the Commonwealth or of the cities thereof shall be allowed to register, to the number of five hundred, on the first Monday of February, May, August, and November in each year, at the places appointed for the registry of such applicants, and any rules heretofore made by the civil-service commissioners which are inconsistent with the provision of this act are hereby annulled.

SEC. 2. This act shall take effect upon its passage.

Approved April 29, 1897.

CHAPTER 412.—*Constrict labor.*

SECTION 1. The number of inmates of all the prisons in this Commonwealth who may be employed in the industries hereinafter named shall be limited as follows: In the manufacture of brushes not more than eighty; in the manufacture of cane chairs with wood frames not more than eighty; in the manufacture of clothing other than shirts or hosiery not more than three hundred and seventy-five; in the manufacture of harnesses not more than fifty; in the manufacture of mats not more than twenty; in the manufacture of rattan chairs not more than seventy-five; in the manufacture of rush chairs not more than seventy-five; in the manufacture of shirts not more than eighty, and none but women to be so employed; in the manufacture of shoes not more than three hundred and seventy-five; in the manufacture of shoe heels not more than one hundred and twenty-five; in the manufacture of trunks not more than twenty; to be employed at stone cutting not more than one hundred and fifty; to be employed at laundry work not more than one hundred.

SEC. 2 (as amended by chapter 480, acts of 1897). Not over thirty per cent of the number of inmates of any penal institution having more than one hundred inmates shall be employed in any one industry, except in the industry of cane-seating and in the manufacture of umbrellas.

SEC. 3. After the first day of January in the year eighteen hundred and ninety-eight the general superintendent of prisons shall not approve the employment of any prisoners on the contract or piece-price plan in the penal institutions of the Commonwealth, except in the industry of cane-seating and in the manufacture of umbrellas. All existing contracts which can be terminated by notice shall be so terminated; and the general superintendent of prisons and the principal officers of the prisons and reformatories are hereby directed to notify the contractors forthwith in accordance with the provisions of said contracts, that the same will be terminated on the date named in this section.

SEC. 4. This act shall not apply to prisoners engaged in the manufacture of goods for use in the prisons or to be used in any of the public charitable institutions or hospitals of the Commonwealth.

SEC. 5. No goods manufactured in any penal or reformatory institution of this Commonwealth, house of correction or county jail, shall be sold for less than the wholesale market price prevailing at the time of such sale for goods of the same description and quality: *Provided*, That this section shall not apply to goods furnished to public institutions for the use of the inmates thereof.

SEC. 6. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 7. This act shall take effect on the first day of January, in the year eighteen hundred and ninety-eight.

Approved May 18, 1897.

CHAPTER 434.—*Convict labor.*

SECTION 1. The laws relating to the labor of prisoners in the State prison, reformatories and houses of correction shall apply to the labor of prisoners in the jails and at the State farm; and the general superintendent of prisons shall have the same authority over the industries in the jails and at the State farm which he now has in respect to the industries in said State prison, reformatories and houses of correction.

SEC. 2. This act shall take effect upon its passage.

Approved May 26, 1897.

CHAPTER 452.—*Protection of motormen, etc., on street railways.*

SECTION 1. All cars purchased, built or rebuilt by any street railway company after the first day of January in the year eighteen hundred and ninety-eight, and used by such company in the transportation of passengers during the months of January, February, March, November and December shall, during each of said months, have the platforms of such cars inclosed in such a manner as to protect the motormen, conductors or other employees operating said cars from exposure to the wind and inclemency of the weather: *Provided*, That said platforms shall be so inclosed as not to obstruct the sight of the employees or endanger the safe management of the cars, in such manner as the board of railroad commissioners may determine. Any street railway company which fails or neglects to comply with the provisions of this act shall be fined not more than one hundred nor less than fifty dollars for each day during which such failure or neglect continues.

SEC. 2. The term "car," as used in this act, shall include all cars operated by steam, cable or electricity, which require the constant care or attention of any person on the platforms thereof while they are in motion. The term "company," shall include any corporation, partnership or person owning or operating a street railway.

SEC. 3. The superintendent or manager of any street railway or any officer or agent thereof who causes or permits any violation of the provisions of this act shall be jointly and severally liable with the corporation, partnership or person employing him to the fine hereby imposed, and in default of payment thereof may be committed to jail until the same is paid: *Provided*, That he shall not be so committed for a longer period than three months.

SEC. 4. This act shall take effect on the first day of January in the year eighteen hundred and ninety-eight; but it shall not apply to any street cars operated in a city of more than fifty thousand inhabitants, unless the board of railroad commissioners, after hearing and investigation, shall certify that, in its opinion, such cars can be operated therein with safety to the public. But this exemption shall not apply to the cars of any street railway company which shall not, on or before the first day of October in the year eighteen hundred and ninety-seven, file with said board a request for such hearing and investigation.

Approved June 3, 1897.

CHAPTER 491.—*Employers' liability.*

SECTION 1. One or more cars in motion, whether attached to an engine or not, shall constitute a train within the meaning of clause three of section one of chapter two hundred and seventy of the acts of the year eighteen hundred and eighty-seven [the employers' liability act] and acts in addition thereto or in amendment thereof.

SEC. 2. Any person who, as a part of his duty for the time being, physically controls or directs the movements of a signal, switch or train shall be deemed to be a person in charge or control of a signal, switch or train within the meaning of clause three of section one of chapter two hundred and seventy of the acts of the year eighteen hundred and eighty-seven and acts in addition thereto or in amendment thereof.

Approved June 10, 1897.

MICHIGAN.

ACTS OF 1897.

ACT No. 13.—*Incorporation of labor associations.*

SECTION 1. Labor associations may be incorporated under the provisions of this act.

SEC. 2. Any ten or more residents of this State, who are members of any chartered body, or of different chartered bodies, which body or bodies receive their charter from the American Federation of Labor, or from any international labor organization issuing charters under authority from the American Federation of Labor, may make and execute articles of association under their hands and seals, which said articles of association shall be acknowledged before some officer of this State having authority to take acknowledgments of deeds, and shall set forth:

First. The names of the persons associating in the first instance, their places of residence and the name and location of the labor organization or organizations to which they severally belong.

Second. The corporate name by which such association shall be known in the law.

Third. The purposes of the association, which shall be to provide a building or buildings to be used in the interests of organized labor, and the period for which such association is incorporated, not exceeding thirty years.

SEC. 3. A copy of said articles of association shall be filed with the county clerk of the county within which such corporation shall be formed and shall be recorded by such clerk in a book to be kept in his office for that purpose, and thereupon the persons who shall have signed said articles of association, their associates and successors, shall be a body corporate by the name expressed in such articles of association. A copy of such articles of association, under the seal of the county clerk in whose office said record is kept, and certified by him, shall be received as prima facie evidence in all courts of this State of the existence and due incorporation of such association.

SEC. 4. Every corporation organized under the provisions of this act may take, receive, purchase and hold in its corporate capacity and for its corporate purposes, real and personal property, and the same or any part thereof demise, sell, convey, use and dispose of at pleasure; and may erect and own suitable building or buildings to be used in whole or in part for meetings of labor organizations or for any other purpose in the interests of labor organizations, and may borrow money, and for that purpose may issue its bonds and mortgage its property to secure the payment of said bonds.

SEC. 5. Every such corporation shall have full power and authority to provide by its by-laws for the issuing of certificates or shares of stocks and for the manner in which the same shall be held and represented. All stockholders of every corporation formed under this act, shall be limited in their liability to creditors of any such corporation, to an amount equal to the amount unpaid on their said stock.

SEC. 6. Every such corporation shall have power to provide by its by-laws for succession to its original membership, and for new membership, and shall also have power to provide by its by-laws for election from its members of a board of trustees and to fix the number and term of office of such trustees.

SEC. 7. The management and control of the business, affairs and property of such corporation shall be vested in said board of trustees, and said board shall have power to borrow any money, and cause to be made and issued any bonds and mortgages authorized by section 4 of this act. Said trustees shall appoint from their number a president, secretary and treasurer, who shall perform the duties of their respective offices in accordance with the rules and regulations prescribed by the board of trustees.

This act is ordered to take immediate effect.

Approved February 18, 1897.

ACT NO. 92.—*Factories and workshops—Employment of children, etc.*

SECTION 1. Sections numbered two, five, ten and fourteen of act number one hundred and eighty-four, session laws of eighteen hundred and ninety-five, entitled "An act to provide for the inspection of all manufacturing establishments and workshops in this State, and to provide for the enforcement, regulation and inspection of such establishments, and the employment of women and children therein," approved May twenty-second, eighteen hundred and ninety-five, are hereby amended so as to read as follows:

SEC. 2. No child under fourteen years of age shall be employed in any manufacturing establishment within this State. It shall be the duty of every person employing children to keep a register, in which shall be recorded the name, birthplace, age and place of residence of every person employed by him under the age of sixteen years; and it shall be unlawful for any manufacturing establishment to hire or employ any child under the age of sixteen years without there is first provided and placed on file a (sworn) statement in writing made by the parent or guardian, stating the age, date and place of birth of said child. If said child have no parent or guardian, then such statement shall be made by the child, which statement shall be kept on file by the employer, and which said register and statement shall be produced for inspection on demand made by any factory inspector appointed under this act.

SEC. 5. It shall be the duty of the owner, agent or lessee of any manufacturing establishment where hoisting shafts or wellholes are used to cause the same to be properly inclosed and secured. It shall also be the duty of the agent, owner or lessee to provide or cause to be provided at all elevator openings such proper trap or automatic doors or automatic gates so constructed as to open and close by the action of the elevator either ascending or descending. The factory inspector, assistant factory inspector and deputy factory inspectors shall inspect the cables, gearing or other apparatus of elevators in manufacturing establishments at least once each year, and more frequently if necessary, and require that the same be kept in a safe condition.

SEC. 10. Every factory in which five or more persons are employed and every factory or workshop in which two or more children, young persons or women are employed shall be supplied with proper wash and dressing rooms, and kept in a cleanly state and free from effluvia arising from any drain, privy or other nuisance, and shall be provided within reasonable access with a sufficient number of proper water-closets, earth closets or privies, for the reasonable use of the persons employed therein; and whenever two or more male persons and one or more female persons are employed as aforesaid, a sufficient number of [separate] separate and distinct water-closets, earth closets, or privies shall be provided for the use of each sex, and plainly so designated, and no person shall be allowed to use any such closet or privy assigned to persons of the other sex.

SEC. 14. Sections one, two and three of this act shall not apply to canning factories or evaporating works, but shall apply to any other place where goods, wares or products are manufactured, repaired, cleaned or sorted, in whole or in part; but no other person, persons or [corporation] corporations employing less than five persons or children, excepting in any of the cities of this State, shall be deemed a manufacturing establishment within the meaning of this act.

Approved, April 24, 1897.

ACT NO. 111.—*Factories and workshops—Firing responsibility for making improvements.*

SECTION 1. Whenever fire escapes, elevator protection or repairs, water-closets and other permanent improvements to buildings are ordered by factory or deputy factory inspectors under the provisions of act one hundred and eighty-four, session laws of eighteen hundred and ninety-five, said improvements shall be made by the owner of the building or premises where such improvements are ordered: *Provided*, That nothing in this section shall be construed to interfere with any contract between owner and tenant whereby the tenant agrees to make such improvements when ordered by factory or deputy factory inspectors.

SEC. 2. Whenever the owner of any building or premises as mentioned in section one of this act is a nonresident of this State, the tenant shall make such improvements and may deduct the cost thereof from the amount of rent for use of said premises.

This act is ordered to take immediate effect.

Approved, May 7, 1897.

ACT NO. 123.—*Duties, etc., of mine inspectors.*

SECTION 1. Section three of act number two hundred thirteen of the public acts of eighteen hundred and eighty-seven, entitled "An act to provide for the appointment of inspectors of mines and their deputies in certain cases, to prescribe their powers and duties and provide for their compensation," is hereby amended so as to read as follows:

SEC. 3. The duties of the mine inspector shall be to visit all the working mines of his county once in every sixty days, and oftener if in his judgment necessary, and closely inspect the mines so visited, and condemn all such places where he shall find that the employees are in danger from any cause, whether resulting from careless mining or defective machinery or appliances of any nature; he shall compel the erection of a partition between all shafts where hoisting of ore is performed, and where there are ladder ways, where men must ascend and descend, going to and from their work. In case the mine inspector shall find that a place is dangerous from any cause as aforesaid, it shall be his duty immediately to order the men engaged in work at the said place to quit work, and he shall notify the superintendent, agent or person in charge, to secure the place from the existing danger, which said notification or order shall be in writing, and shall clearly define the limits of the dangerous place, and specify the work, to be done or change to be made to render the same secure, ordinary mine risks excepted, it shall also be the duty of the mine inspector to command the person, persons or corporation working any mine, or the agent, superintendent, foreman or other person having immediate charge of the working of any mine, to furnish all shafts and open pits of such mine with some secure safeguard at the top of the shaft or open pit so as to guard against accident by persons falling therein or by material falling down the same, also a covering overhead on all the carriages on which persons ascend or descend up and down the shaft, if in his judgment it shall be practicable and necessary, for the purpose of safety: *Provided*, That when any mine is idle or abandoned it shall be the duty of the mine inspector to notify the person, persons or corporation owning the land on which any such mine is situated, or the agent of such owner or owners, to erect and maintain around all the shafts and open pits of such mine a fence or railing suitable to prevent persons or domestic animals from accidentally falling into said shafts or open pits. Said notice shall be in writing and shall be served upon such owner, owners or agent, personally, or by leaving a copy at the residence of any such owner or agent if they or any of them reside in the county where such mine is situated, and if such owner, owners or agents are none of them residents of the county such notice may be given by publishing the same in one or more newspapers printed and circulating in said county if there be one and if no newspaper be published in said county then in a newspaper published in some adjoining county, for a period of three consecutive weeks. If such owner, owners or agent shall not within thirty days after receiving such notice or within thirty days after the completion of said publication erect such suitable fences or railings as above provided, it shall be the duty of the mine inspector to cause such suitable fences or railings to be erected and to make a return of his doings in the case, with the description of the land or lands on which such shafts and open pits are located, together with an itemized statement of the actual expenses incurred in such case on each description of land, to the county clerk of the county, which return and statement shall be verified by the affidavit of the mine inspector. All expenses incurred under the provisions of this section shall be audited by the board of supervisors of the county, and all sums allowed by such board for such expenses shall be paid from the general fund of the county. The county clerk shall certify to the board of supervisors at its annual meeting in each year the amount of expense incurred under the provisions of this section during the preceding year and the amount belonging to each and every description of land on which any such mines are situated and said amount shall be certified to the supervisors of the proper townships in the same manner as county taxes are certified to said supervisors, and the amount of the expense incurred as above on each description shall be assessed by said supervisors upon the said description upon their assessment rolls for that year, in a separate column, and shall be collected in the same manner as county taxes, and when so collected, paid into the general fund of the county.

Approved, May 13, 1897.

ACT No. 221.—*Payment of wages—Use of script redeemable otherwise than in money prohibited.*

SECTION 1. It shall be unlawful for any corporation to sell, give, deliver or in any manner issue, directly or indirectly, to any person employed by him or it, in payment of wages due for labor, or as advances on the wages of labor not due, any script, token, order, or other evidence of indebtedness purporting to be payable or redeemable otherwise than in money. Any violation of the provisions of this section shall be punishable by a fine of not less than twenty-five dollars nor more than one hundred dollars or imprisonment for not more than thirty days or both such fine and imprisonment in the discretion of the court, and any such script, token, order, or other evidence of indebtedness issued in violation of the provisions of this act, whatever its provisions as to the time or manner of payment shall be, in legal effect, an instrument for the unconditional payment of money only on demand, and the amount thereof may be collected in money by any holder thereof in a civil action against the corporation selling, delivering or in any manner or for any purpose issuing the same; and such holder may be either the person to whom such instrument was originally issued or who acquired the same by purchase and delivery.

SEC. 2. Any script, token, order, or other evidence of indebtedness, issued in violation of the provisions of this act, and presented by the holder thereof, shall be taken as prima facie evidence, in any court of competent jurisdiction, of the guilt or indebtedness of any corporation selling, giving, delivering or in any manner issuing the same.

SEC. 3. Any person selling, giving, delivering or in any manner issuing said script, token, order, or other evidence of indebtedness in behalf of any corporation in violation of the provisions of the preceding sections shall be the defendant to the criminal action, and the corporation shall be held as defendant to the civil action: *Provided*, That the provisions of this act shall not apply, when any employee shall voluntarily request or consent to receive script, tokens or orders upon any person, company or corporation in payment, or part payment, of wages due, or to become due, to such employee.

SEC. 4. All acts or parts of acts in any manner contravening the provisions of this act are hereby repealed.

Approved, May 29, 1897.

ACT No. 241.—*Factories and workshops—Inspection.*

SECTION 1. Section fifteen of act one hundred and eighty-four of the public acts of eighteen hundred and ninety-five, entitled "An act to provide for the inspection of all manufacturing establishments and workshops in this State, and to provide for the enforcement, regulation and inspection of such establishments, and the employment of women and children therein," approved May twenty-second, eighteen hundred and ninety-five, (is) hereby amended so as to read as follows:

SEC. 15. For the purpose of carrying out the provisions of this act the commissioner of labor is hereby authorized and required to cause at least an annual inspection of the manufacturing establishments or factories in this State. Such inspection may be by the commissioner of labor, the deputy commissioner of labor, or such other persons as may be appointed by the commissioner of labor for the purpose of making such inspection. Such persons shall be under the control and direction of the commissioner of labor and are especially charged with the duties imposed, and shall receive such compensation as shall be fixed by the commissioner of labor, not to exceed three dollars a day together with all necessary expenses. All compensation for services and expenses provided for in this act shall be paid by the State treasurer upon the warrant of the auditor general: *Provided*, That not more than twelve thousand dollars shall be expended in such inspection in any one year: *And provided further*, That the commissioner of labor shall present to the governor on or before the first day of February, eighteen hundred and ninety-six, and annually thereafter, a report of such inspection with such recommendation as may be necessary: *And provided further*, That in addition to the above amount allowed for expenses, there may be printed not to exceed one thousand copies of such reports for the use of the labor bureau for general distribution. And all printing, binding, blanks, stationery, supplies or map work shall be done under any contract which the State now has or shall have for similar work with any party or parties, and the expense thereof shall be audited and paid for in the same manner as other State printing.

Approved, June 2, 1897.

RECENT GOVERNMENT CONTRACTS.

[The Secretaries of the Treasury, War, and Navy Departments have consented to furnish statements of all contracts for constructions and repairs entered into by them. These, as received, will appear from time to time in the Bulletin.]

The following contracts have been made by the office of the Supervising Architect of the Treasury:

OMAHA, NEBR.—November 2, 1897. Contract with George Moore & Sons, Nashville, Tenn., for the erection and completion of the Transmississippi and International Exposition Building, \$43,937. Work to be completed before April 25, 1898.

HELENA, ARK.—November 6, 1897. Contract with L. L. Leach & Son, Chicago, Ill., for approaches to court-house and post-office, \$6,893. Work to be completed within four months.

OMAHA, NEBR.—November 16, 1897. Contract with James F. Earley, Washington, D. C., for plaster models for Transmississippi and International Exposition Building, \$3,120. Work to be completed within ninety days.

NEW YORK, N. Y.—November 24, 1897. Contract with G. A. Suter for boiler plant, low-pressure and exhaust steam-heating and ventilating apparatus, water supply and filtering plant and fire protection system, basement floor, etc., for appraiser's warehouse, \$68,800. Work to be completed within four months.

CHARLESTON, S. C.—December 20, 1897. Contract with Wm. Everroad & Son, Columbus, Ind., for improvement to grounds of court-house, post-office, etc., \$12,091.29. Work to be completed within one hundred and twenty working days.

BULLETIN

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WASHINGTON.

MARCH, 1898.

BOARDING HOMES AND CLUBS FOR WORKING WOMEN.

BY MARY S. FERGUSON.

In the social life of working women, the class of homes or clubs included under this title occupies an important sphere. The class may be said to be indigenous to large cities and an outgrowth of the special conditions of life which obtain in such cities. They may be described as homes or clubs in which working girls and young women of good moral character can live at prices within their reach, in which they can find, to some considerable extent, the conveniences, social pleasures, and good influences of a real home, and in which they can secure by combination many comforts and wide opportunities for pleasure and culture.

Institutions organized and conducted on a purely charitable basis have no place in this classification. It embraces within its scope only those homes or clubs founded upon the principle of mutual aid and cooperation, and which are wholly or partly self-supporting. In the present consideration of this subject, however, it matters not whether the homes owe their origin to cooperative enterprise among working women or to philanthropic effort in their behalf.

NEED OF HOMES.

With a large working population of women without local homes in great cities, a goodly proportion of whom are perhaps young and inexperienced and without relatives or friends; with the high price of living in ordinarily good boarding houses; with the fact that comparatively few private houses are open to strangers, and with the great disproportion of wages paid women to their necessary expenses, the question how a self-supporting woman can secure the comforts or even the neces-

sities of life in localities morally clean, and where independence and self-respect can be fostered, becomes one of great importance.

Perhaps at no previous time has the question been of such vital moment as during the last decade, which has seen the opening of many avenues for self-support hitherto closed to women. To this fact, coupled with the fact that domestic service, with its long hours and close confinement, offers but few attractions to young women, can be attributed a considerable proportion of the gravitation toward business centers of girls who must earn their own living. To meet a need, seen and felt no less by the working woman than by the social economist and philanthropist, the boarding home or club for self-supporting women has sprung into existence.

For the purposes of this study the self-supporting women of this country should be considered as belonging to two classes, both alike interested in the question of bringing living expenses within their means, and both alike resenting the association of the institutional or charitable idea with the boarding home or club. The two classes differ, however, in the fundamental particular that the one is self-reliant, self-respecting, and perfectly able, from a moral and social point of view, to stand alone, while to the other belong the young, the inexperienced, the morally weak, the stranger within our city doors, the discouraged, and perhaps the tempted. To the former class the home stands as an exponent of comfort, ease, and pleasure; to the latter it stands for protection and prevention. While the former appreciates the advantages which a home roof, a house mother, and association give in a large city, to the latter these things are safeguards. The boarding home, with its protective supervision, its personal interest, and its moral support, becomes, therefore, a powerful social as well as economic factor in the life of the working girl; and it can be said to her credit that even under adverse circumstances, where too strict rule is pervasive of happiness, or where untidiness, uncleanness, and poorly served food make an unattractive home, she yet seeks the protection which association affords rather than the independence and freedom of lodging-house life.

In some of our large cities, notably Chicago and Boston, among those visited in the pursuit of the present study, the lodging house without a parlor was found to be a distinct feature of city life. In other cities the well-recognized tendency to crowd in the very cheap boarding or tenement houses is an evil fraught with danger to health and morals alike. In the lodging house a girl living alone drifts from place to place for her meals. She receives her friends and acquaintances, male and female, in her bedchamber, or meets them in the dance hall or on the street corner. Failing to avail herself of such opportunities as these she lives a life of loneliness, detrimental alike to health and happiness. Home for such girls has no meaning except, perhaps, as a memory, and *all the* restraining influences of home and home ties give place to an

independence which is perilous and a freedom that only the strongest can safely use. If, in the place of the lodging house, she chooses the cheap boarding house, with its dingy parlor and its 7 by 9 bedroom, or the tenement house with its common living room and its too numerous lodgers, she does not lose altogether the idea of personal interest of her fellow-beings in her welfare—she may even cherish the idea of home, but what a home! Cold and cheerless rooms, insanitary conditions, poorly cooked and poorly served food, uncultured and even uncouth associates, unattractive and filthy streets, and perhaps other social surroundings that tend to take the blush of modesty from the cheek and the sense of shame from the heart—these are the characteristics of such a home.

There are here and there private homes opened to a girl at the small sum which she can pay, if she earns from \$3 to \$5 a week; there are lodging houses cleanly and attractive; there are tenement homes that are homes in reality as well as in name; but the vast majority of working girls alone in cities of any size who can pay but from \$2.50 to \$4 a week for board, lodging, and laundry are confronted with the conditions outlined above.

PRESENT STATUS OF THE WORK.

As far as known, the first organized effort in this country to offer a comfortable and attractive home to self-supporting women for permanent residence, at rates coming within the reach of those earning small wages, was made during the year 1856 by the Ladies' Christian Union in New York City. Baltimore came next, with its Female Christian Home, established in 1865. Following this lead, the Women's and Young Women's Christian Associations in the different cities have fallen into line, and to-day 35 associations make reports of this class of work, and a number of other associations are known to be maintaining boarding homes. In some cities the homes have assumed hotel proportions, and in several cities there are two or more association homes.

The Young Women's Boarding Home Association, of Philadelphia, finds it necessary to maintain three large houses, two of them being under one roof and a third one located elsewhere. In Boston the work of the Grey Nuns has entirely outgrown its original proportions, and difficulty has been found in keeping pace with the demand. When visited by agents of this Department ten years ago this work was conducted in two small houses on Dover street, and at that time they had 18 residents only. When visited recently they were occupying a large and beautiful building 132 feet long and five stories high, accommodating 155 girls—580 girls being refused admission during the last year for want of accommodations. Yet, notwithstanding these prominent instances in which efforts have been made to keep pace with the demand for homes of this character, the tables accompanying this report show

that outside of the cities of New York, Chicago, Boston, Philadelphia, Baltimore, St. Louis, and Cincinnati this work has received comparatively little attention in the most populous cities of our country. Over 45 per cent of the whole number of homes reported are in these seven cities. Buffalo, while appearing but once in the tables, has three homes, special reports of all of them being given in the pages following. San Francisco and Cleveland, each with a population of over 300,000, report but two homes each, and the same number is reported from Detroit, Minneapolis, and Pittsburg, each having a population of over 200,000. A number of cities having 100,000 inhabitants or over report but one or two such homes, or make no indication of having undertaken any work in this direction.

According to one of its most prominent divines, "the greatest need of Chicago to-day is of homes and mothers for homeless girls," and similar testimony comes from other cities. Boston, in availing herself very largely through her Young Women's Christian Association of a board directory, bears most emphatic testimony to the difficulty of finding the right kind of lodging house in the right location for the money that the working girl can pay, and to the trouble therefore met with in placing those who must be turned from the association building for want of room. In New York, where the supply is entirely inadequate to the demand, there are, happily, at this time two movements in progress of most generous proportions, which will help to remedy the situation. One movement has in view the erection of a large dormitory building for working women, including restaurant, public baths, etc., and the other project is the founding of a home for Jewish working girls, an endowment for the purpose having been made and the home incorporated.

The Journal of the Thirteenth Biennial Conference of the Women's and Young Women's Christian Associations says in regard to this work: "The limited capacity for room in many of the homes necessitates making ample provision for girls outside the building through board directories, which means searching for homes in the neighborhood, where many applicants, who can not be accommodated in the building, can be received and have the assurance that their surroundings are safe and respectable."

CLASSES OF WORKING WOMEN NOT REACHED.

The experience of Women's and Young Women's Christian Associations whose work along this line is of sufficient magnitude to enable them to speak authoritatively has been repeated again and again in undertakings of this character on a smaller scale, and it is especially true that these homes have not largely reached the class of women whose need is the greatest. There is, for example, a lamentable lack of homes for transients. Working women temporarily without work and

without resources find very few doors open, and practical utilitarianism can find no better field for work than in founding such homes.

Nor does the boarding home, as it now exists, largely reach the mill operative or the factory girl, whose social condition, in view of her low wages, would most demand amelioration. It may be urged that in the majority of homes of which reports are here given the occupation, if it be an honorable one, is rarely made a condition of admission, and that practically all doors of this class of homes are opened to the mill operative and the factory girl as well as to the girl engaged in any other vocation. True as this may be, it often happens that the price of living, even in these homes, is beyond the reach of this class of wage earners, and the distance of the home from the manufacturing districts will be found to be another reason, in many cases, why the home is not patronized by those employed in manufacturing establishments. But even where these objections do not obtain, a minimum percentage only of the resident boarders in working girls' homes will be found to be engaged in factories or mills of any kind.

The Adams House, at Waltham, Mass., is conducted by the American Waltham Watch Company for its own employees, and a few other manufacturing companies have also provided for their employees in this way in cities and towns of moderate size, but in the very large cities, where the need is greater, there is no work among the boarding homes visited or reported to this Department that is prominent as representative work of this character.

The foundation members of the Jane Club, of Chicago, were two book-binders, two shoemakers, and one shirt maker, and the membership list of this club at present includes a number of girls and women engaged in manufactories, though the club does not claim to devote itself to work distinctively of this nature.

THE BOARDING CLUB.

In Chicago, to a greater extent apparently than elsewhere, the self-supporting woman recognizes and keenly feels the want of a home. In her endeavor to better her life in its social, intellectual, and domestic aspects by her own unaided efforts she has in two prominent instances dropped the home idea and proposes to work out the problem on club lines. Other cities, among them Buffalo and Philadelphia, have also done some work in this direction. It is not to be understood that reference is made here to social clubs, to clubs organized for the purpose of culture only, or to clubs which are such in name only and which retain the distinctive feature of a home in having a house mother. The class can be properly designated as boarding clubs, in which women lodge as well as board, and which stand for home to resident members. They are self-governing and aim to be self-supporting. The movement is in its infancy and may yet be regarded as an experiment. It is the logical

outgrowth of the spirit of the times, and strikes, to some extent at least, at the root of home life. It owes its origin in some measure to the too pronounced tendency to regard the boarding home established through endowment as charity; it is unquestionably a revolt against authority as administered by a paid officer, and while it may or may not indicate the decadence of home life, it effectually deprives its members of participation in such life. For a vast army of the working women of this country who would come in the better-paid class in the differentiation previously made, such club life, with its independence, its class opportunities, and its principles of self-government, offering as it does protection in its very organization, answers every need. But the movement serves to bring more prominently to view the faults that must be guarded against if we would keep the boarding home popular with the class of girls and young women whose craving is for home life and whose need has established the boarding home as a fact.

OBJECTIONS TO THE HOME.

The objection often urged to the name of "Home," that it is suggestive of an institution and has about it the odor of charity, can be met only by a broader view, though it matters not whether the domicile be called house, or home, or club, so that it retains the distinctive features of home life. The public, as well as the working girl, should be taught to distinguish between philanthropic effort and charity. To the former all are debtors. We owe to it most of our library opportunities, a large proportion of our great hospital advantages, and the major part of the superior facilities for training and culture offered by our great institutions of learning. The working woman has no more reason for regarding the home comforts and pleasures that are brought within her reach through this agency and her own cooperative efforts as charity than the student of an endowed university has for regarding as such the privileges which the university endowment makes possible to him. His slender tuition fees pay no interest on the amount invested in property, nor do they by any means furnish him with the magnificent dining hall, the beautiful chapel, the rare and valuable books of the library, the costly apparatus, and all the other aids to culture and opportunities for pleasure that are offered him and of which he gladly avails himself. In the hospital, too, a patient paying from \$15 to \$20 a week will hardly regard himself as an object of charity, even though in the great economy of the hospital the amount he pays does no more than meet his proportion of the running expenses of the same.

The other evil which threatens the boarding home, and which it is the aim of club life to overcome, is found in the over-zealousness of a too-rigid disciplinarian. The woman who is giving ever so little of her small income for home and shelter may crave personal interest, may willingly listen to advice, may be grateful even for kindly care; but

she naturally resents any undue interference with her freedom and any curtailment of her liberty that is not in the interest of good government. In two instances, at least, among the homes visited there were indications of a lack of prosperity which could be traced to stringency of rules, and incidentally it was learned that in each of these cases the superintendent's experience had been gained in reformatory work. If "the function of the household is the fulfillment of personal satisfaction, the creation, if possible, of happiness," then the girl or woman who works all day needs in her home not only good food, a clean bed, and a decent bath tub, but she needs pleasure; even more, she needs recreation. It may mean to her reading, resting, writing, embroidering, physical culture lessons, dancing, the society of the opposite sex, music, theater going; whatever it means, the opportunity to indulge in it to a reasonable extent should be hers. In this connection it is well to add that the home, to be popular and to fulfill its mission, must encourage hospitality. This is a feature of ideal home life which no home can afford to ignore.

These evils overcome, the next point that demands the thought of all interested in this subject is the necessity of greater attention to sleeping accommodations and toilet facilities. It is a noteworthy fact that among the girls in the homes objections to inadequate sleeping and bathing accommodations are oftener made than to any other feature of the home life. This is principally due to the fact that every woman naturally likes her own room, and that where living is placed at an unusually low figure, space is valuable, and separate rooms are not possible to any great extent. Some few homes have done much toward remedying this evil by giving to each boarder her own bed, washstand, closet, and chair, and with an arrangement of screens, curtains, etc., privacy is secured. Many of the homes have abandoned the dormitory system, and in one only was the cubicle seen. In the majority of homes visited in the course of this study the double wooden bedstead has given place to the single iron bedstead, the change having just been made at the time of visit in one of the very large homes of the Young Women's Christian Association. Much more has been done in this line than in the equally important one of providing separate washstands and sufficient bath accommodations. It is no uncommon thing for three or four girls to use the same washstand, and in one case one stationary washstand in a bathroom adjoining their bedrooms was the only provision made for the use of eight girls in two rooms. It may be said to be the custom very generally for two girls to use the same washstand, though there are exceptions to this rule, and in all the better class of homes there are always found a number of single rooms, with all the conveniences and comforts of home.

In the large homes of the Young Women's Christian Association, notably those that have been built in late years, and in the large Catholic homes the closest attention has been paid to all sanitary arrange-

ments, and few private houses can show better heating, lighting, and ventilating facilities, more approved bathing accommodations, or more thoroughly equipped kitchens and laundries.

It has been urged that the offering of attractive homes and good living at rates within the reach of the woman with scant wages has a tendency to keep wages scant. Unfortunately, the objection is not without some foundation, though the danger exists more in theory than in fact, since the greater number of the better class of homes for women do not offer living at prices so much less than many lodging and boarding houses, but rather seek, through combination, to give greater comfort and broader opportunities for happiness than it is possible to obtain for the same money in those boarding houses conducted on a smaller scale or with a view to profit.

It is true that there are employers who make the fact of her living in a cooperative home or club an excuse for offering a girl or woman lower wages, just as the same employers will advertise for girls who live in their own homes, with the same end in view. Instances also have been known of girls being referred to these homes by employers, because they could then live on the proffered wages. But these things have been met with in a few cases only, and the threatened evil from this cause under present conditions of living can by no means be compared to the certain evils which every good home does its part toward remedying.

It may not be amiss to quote here from the report made in 1895 by the superintendent of the Boarding House for Working Girls, Berkeley street, Boston, where this matter has been closely watched. She says: "In reviewing the experiences of the four years given to this work, I can truthfully say that the average wages of our girls have steadily increased. All the arguments that one hears from the political economist, the theorist, the dreamer, that such houses as ours tend to lower wages, surely have no weight with us. We know better. The history of this house refutes them." And it may be still further urged, in answer to such objection, that the broadening of life's opportunities, the training to habits of thought, of punctuality, of neatness, and of respect for others' rights, which is the office and function of any well-ordered home, as well as the fact that women are better nourished and cared for physically through the agency of such a home, puts them in a position to command higher wages than would be possible without such advantages.

Some of the better class of homes, too, proceed upon the theory that life in such homes is an economic and social education; that just as the university trains a young man or young woman to self-reliance and self-government, so the boarding home is a preparation in the same direction, and that four years of life in such a home should make a woman able to stand alone. In homes of this kind the price of board *is generally graded according to the wages received, and when the max-*

imum is reached, the girl or woman is expected to give place to someone receiving lower wages and capable of benefiting by the same training. While this rule obtains in many homes, it does not seem to be strictly adhered to. There is always the risk and the unhappiness of sending forth into the world a woman or girl who craves shelter and protection and home rather than freedom and independence without the home.

ORGANIZATION AND MANAGEMENT OF HOMES.

A study of the tables accompanying this paper and of the reports of 34 homes that were visited during May, 1897, in the pursuit of this inquiry, will help to an understanding of how the homes are organized and managed, and to what extent they are self-sustaining.

ORGANIZATION.—Agencies of various types and character have undertaken this work. Where they have been attainable, several examples are given of homes under each kind of management, in order that an intelligent study may be possible. Six of the homes visited, of which special reports are made, were founded and are carried on by the Women's and Young Women's Christian Associations. These are the homes in Chicago, Boston, Cleveland, Buffalo, Philadelphia, and Baltimore. The Margaret Louisa Home, in New York City, while belonging now to the Young Women's Christian Association, is the direct outcome of private munificence, as is the Theta Club, in Boston, both of which still look in matters of finance, and to some extent in government, to their original beneficent donors. Three other homes visited are under the care of the Ladies' Christian Union, in New York City, which has been called the oldest Christian association in the world. These are the Young Women's Home, 27 Washington square; the Branch Home, 308 Second avenue, and the Eva Home, 153 East Sixty-second street. Nine of the homes are governed by boards of managers or directors, chosen generally from among women of wealth and leisure. These are the Home for Self-supporting Women, at 275 Indiana avenue, Chicago; Temporary Home for Working Women, 453 Shawmut avenue, Boston; New England Helping Hand Society, Boston; The Cooperative Home, 348 West Fourteenth street, New York City; Shelter for Respectable Girls, 241 West Fourteenth street, New York City; Business Women's Union, Brooklyn; Clinton Street and Pine Street Boarding Homes, Philadelphia, and the Young Woman's Christian Home, Washington, D. C. Six of the homes are under Roman Catholic care. These are the Working Girls' Home of the Young Woman's Catholic Association in charge of the Grey Nuns, Boston; St. Francis' House of Providence, Chicago; the Catholic Home, 64 Franklin street, Buffalo; St. Mary's Home, Cleveland, and St. Vincent's Home and the Aisquith House, both in Baltimore. Two of the homes are under Protestant Episcopal Church control, being St. Paul's House, Baltimore, and St. Bartholomew's Girls'

Club Boarding House, 136 East Forty-seventh street, New York City. One, the Boarding House for Working Girls, 115 to 117 Berkeley street, Boston, is governed by an executive committee of five members, one of whom, the chairman, is minister of the First Church (Unitarian), in Boston. All matters of detail in government are left in this house to the superintendent. One, the Adams House, Waltham, Mass., was organized and is conducted by the American Waltham Watch Company for its own employees. Four others are boarding clubs, governed either by the working members or by members chosen from among women of leisure and means. These are the Working Girls' Club, of Buffalo; the Alice Fisher Alumnae Club, of Philadelphia, and the Alpha Sorosis Club and the Jane Club, both of Chicago.

FINANCIAL SUPPORT.—It may be said in a general way that the management of a home or club, or the agency through which it has been established and is conducted, represents its financial backing; and further, that such financial backing is a necessity for the success of such effort. It may come in the shape of the Young Women's Christian Association, of some other corporate body of men or women, of private endowment, of the Roman Catholic or Protestant Episcopal Church, of a large membership list, or of a large manufacturing company.

To him who looks for a commercial return on his investment the boarding home offers no field; and cooperative housekeeping for women unable to pay \$5 a week for living is, generally speaking, impracticable. There may be cases in which a few women can safely undertake cooperative housekeeping on salaries of \$5 a week or less without the moral support of a head to the home, or the financial backing which relieves them of the strain and worry of "making both ends meet," but the circumstances under which such a project could be safely undertaken would be exceptional and the women must be exceptional women, thoroughly imbued with the cooperative idea, and ready to undergo discomfort and privations for the sake of their theory.

A majority of the 34 homes visited make no claim to being absolutely self-sustaining. As a rule the home building is owned or rented by the governing power, and generally the salary of superintendent is also assured. It is the expectation, then, in the majority of cases, that the homes will pay running expenses, and with a fair measure of success this seems possible, and, except in temporary homes, is generally realized.

As a class, it is the aim of the boarding club to become independent of outside financial help and to establish itself as an economic success. In the case of the Jane Club, of Chicago, this has been accomplished through a system of cooperative housekeeping. In other cases, the plan is to furnish a home to a limited number, in connection with a restaurant which gives good food at low rates to large numbers. The Working Girls' Club of Buffalo is a prominent example of this class.

A study of the methods and workings of the clubs from this standpoint will be found to be both interesting and instructive.

In the restaurant, undoubtedly, lies the hope of working out this problem along economic lines, but in any consideration of this subject the surroundings and conditions of life, and especially the question of rent and cost of supervision, must be taken most carefully into consideration. Where it is claimed that a club or home is self-sustaining it will generally be found that these items bear a lower ratio than usual to the total cost of living.

In the support of temporary homes philanthropic agencies must of necessity enter to a much greater extent than in the permanent boarding homes. The receipts from board and lodging in these homes are occasionally supplemented by an income from the work of women. This is notably the case in the Temporary Home for Working Women, on Shawmut avenue, Boston, where the receipts from the laundry and sewing room for the year 1896 paid one-half of the total expense of running the house.

MANAGEMENT.—Upon the judicious selection of superintendent, matron, or house mother depends much of the success of the home. All questions of government concerning the internal workings of the home and matters of detail in management, especially in personal dealings with the girls, seem to be considered as best left for the superintendent. The most satisfactory results are obtained in homes where this is done.

EDUCATIONAL CLASSES AND OTHER ADJUNCTS TO BOARDING-HOME WORK.

While the employment bureau, travelers' aid, holiday fund, and lunch room are in no sense essential parts of the boarding home or club, it is impossible to consider this subject without reference to these agencies, which work through the home to the betterment of the social condition, not only of those within its doors but also of the class at large of self-supporting women. A number of the homes and clubs keep in touch with vacation homes and holiday houses, to which the tired working girl goes either by invitation or at a rate of board within her reach. No effort has been made in this paper to gather statistics of these adjuncts of boarding-home work, since they cover a field so large as to render their consideration at this time impossible.

The educational work of the various homes visited is noticed under the separate homes. Outside of the classes of the Women's and Young Women's Christian Associations, which are always a prominent feature in the work of the association homes, the boarding home may be said to do but little educational work. In transient homes there is some attention paid to industrial training, and a few homes of this class are doing good work in educating hand and mind and giving to the world a class of women more capable of taking care of themselves.

BOARDING HOMES OF WOMEN'S AND YOUNG WOMEN'S
CHRISTIAN ASSOCIATIONS.

The Young Women's Christian Association belonging to the International Board supports two homes in Chicago, one the beautiful, newly erected association building at 288 Michigan boulevard, and the other a transient home at 57 Center avenue. According to the constitution of the association a part of its work consists in organizing homes and securing employment for self-supporting girls, and, according to the by-laws of the association, a special committee receives all applicants for admission to the boarding homes, and satisfactory testimonials of character are required from all who desire to become permanent boarders in the Michigan boulevard home. This home is a modern fire-proof structure, seven stories in height. It has 300 rooms, with accommodations for 300 boarders; it is heated by steam and lighted by electricity, and provided with all modern conveniences, including passenger and freight elevators. About one-third of the sleeping rooms are furnished with double beds. Besides sleeping and dining rooms, there are class rooms, a large library, parlor, reception rooms, gymnasium, laundry, bathrooms, and an auditorium or assembly hall with seating accommodations for 750, and which has been furnished at a cost of \$2,000. This hall is opened to the boarders once a week for free entertainments. The price of board is from \$3 to \$6 a week, so that the occupations represented in this home are not as a rule those in which very low wages are paid. Among the resident boarders during the month of May, 1897, were stenographers, bookkeepers, saleswomen, kindergartners, dressmakers, seamstresses, and a large number of music and art students. During the last year there were in the home 3,500 permanent and transient boarders. At the time of this inquiry there were present in the home 190 boarders. The transient home on Center avenue registered during the last year 300 persons; a number of these were wholly without money and many were able to pay but half their expenses.

The transient home does not quite pay for itself, but it is the expectation that the Michigan boulevard home will be self-sustaining, and the treasurer's report for the last year shows it to have more than paid all ordinary current expenses from its board receipts. But it must be noted that neither furnishings nor interest are included under the head of expenses, which, also, of course, does not include any permanent outlay on property. In this association home, as in most of those under the same control, the boarders have access to all educational advantages offered by the association, and to the gymnasium and library either free of charge or at nominal rates. Home-cooked food is always provided, sociability is fostered, and the aim of the home life is to exercise a careful guardianship over all. Family devotions are held, attendance upon which is optional. An employment bureau and *travelers' aid department* are features of the work of the association.

Like the Chicago association, the Boston Young Women's Christian Association maintains two homes, both of which are permanent ones. It offers, likewise, the advantages of educational classes, of a well-equipped gymnasium, of a library and reading room, of an employment bureau, and of a travelers' aid to the boarders within its homes. In addition to the usual classes, including stenography and typewriting, there is a training school for domestics, in which young girls of good character who wish to make household work their occupation are given a home and instruction for six months without charge. After the six months' training a girl must render satisfactory service in a family for three months or more in order to obtain her certificate. The free course of instruction in this school includes cooking and serving, general housework, home nursing, sewing and mending, reading, spelling, penmanship, letter writing, arithmetic, geography, and daily Scripture lessons. There is also a school of domestic science and Christian work, in which pupils are prepared for the duties of matrons or housekeepers, of teachers of domestic science, of the missionary field, of secretaries of the Young Women's Christian Association, and of homes of their own. There were 19 resident and 6 day pupils in this school March 1, 1897. In the department of domestic science, classes in cooking for working girls are held in the evening, at a cost of \$2 for the plain course and \$4 for an advanced course. In the department of domestic arts, 12 lessons in either millinery, dress cutting, or dressmaking are offered for \$5, and 12 lessons of an hour each in sewing or clay modeling for \$3.

The Warrenton street home of this association is entirely given up to boarders, accommodating 180, while the Berkeley street home had a resident family of 142 members at the date of report, being the association headquarters for its various departments of work. About 20 are accommodated in the school of domestic science, which occupies a building near the Berkeley street home known as the "Annex." During the past year 2,140 boarders were received in the two homes. Permanent boarders pay an average of \$4 a week. The restaurant is an important feature in the domestic economy of the Berkeley street home. According to the last printed report there were 94,215 meals furnished to transients during the year, at a cost of \$3 a week, or, for single meals, 15 cents for breakfast or lunch and 25 cents for dinner.

Both of these homes are self-supporting, paying, according to the financial report for the year ending January 1, 1897, not only all current expenses, including salaries, but repairs and refurnishings as well. But it must be borne in mind that this includes neither rent nor taxes, nor any rent equivalent in the form of interest. A large proportion of the rooms for boarders are furnished with separate beds with two in a room. No room has more than four girls, and there are only three rooms in the two houses which have as many as four. As far as possible the boarders are given separate beds. There is a washstand in

each room and bathrooms on every floor with hot and cold water. The 10 o'clock rule prevails; girls absent from the home after 10 in the evening are required to report personally to the superintendent. Other rules are the same as in any well-ordered private house. Almost every kind of work that a woman engages in is represented in the houses of this association: Bookkeepers, stenographers, office assistants, needlewomen, milliners, compositors, students, teachers, machine operators, girls in rubber factories, negative retouchers, telegraphers, etc.

Another very large home department is maintained by the Philadelphia Women's Christian Association in its commodious and well-appointed building at the corner of Eighteenth and Arch streets. There are accommodations for 250 permanent boarders, and a transient department supplies safe and inexpensive lodging for a night or for a week at 25 cents or 50 cents each night. In the boarding department there were 465 boarders during the past year. They were all earning their own support or training for the same. Where any preference is shown it is invariably in favor of those young in years whose earnings are small. For admission to the permanent boarding department references are required. Price of board varies with location of rooms, being from \$3 to \$5 a week, which procures the necessities and comforts of life in sickness as in health, and includes the week's laundering of a dozen pieces. Permanent boarders have a dining room separate from the restaurant, which latter is open to transients and serves well-prepared food from 1 cent to 10 cents for each dish. The number of lodgings in the transient department during the year for which this report is made was 14,330, and the number of meals furnished in the restaurant was 55,788. The building is heated by steam and lighted by electricity and is provided with an unusually large number of reception rooms, parlors, etc. A feature of the house is its brightly lighted, commodious sewing room furnished with a number of machines, and the very generous space given to an apartment devoted primarily to purposes of amusement and recreation. Besides this there is a large assembly hall, with seating capacity for 1,000, numerous class rooms, and a free library of 4,000 volumes.

The association carries on under the same roof the usual work of such organizations, and the opportunities for and advantages of all branches of the work are to be had either free of charge or for a small fee by resident boarders and others. These include library opportunities, concerts, lectures, classes in elementary English branches, sewing, dressmaking, millinery, cooking, stenography, typewriting, bookkeeping, etc. There is also a training school for domestic service which has for its use a model kitchen, dining room, parlor, class room, and bedroom, affording opportunity for instruction to a class of 15 girls from 16 to 20 years of age. The course is of three months' duration, during which time board and tuition are given free. The training school has *been in operation* only since 1896. An employment bureau and trav-

elers' aid department are also branches of the work of this association. Clerks in business offices, saleswomen, girls in bookbinderies and shoe factories, stenographers and typewriters in offices and in business houses, seamstresses, dressmakers, and teachers are among those who board in this home. Of the bedrooms about two-thirds are single, and two beds is the largest number in any one room. There are 21 bath-rooms in the building, and an abundance of hot and cold water. The boarding home pays its running expenses, but, as usual, it is not expected that it will do more than this, and in this case repairs and refurnishings are not included in running expenses.

The Kensington branch of the association is an educational center for millworkers and others on the same lines as the Arch street classes. During six years about 1,600 girls have been enrolled in classes in dress cutting, dressmaking, millinery, and nursing. The association maintains two vacation homes.

In Cleveland the boarding home of the Young Women's Christian Association is not in the association building, but occupies a house at 16 Walnut street, where it has been located ever since its foundation, 28 years ago, twice outgrowing the quarters provided, and twice making additions to the original home. The rooms are heated; two, as a rule, occupy a room, in double beds. There is also a dormitory. No educational work is done in the house, and the general air is that of a home rather than of an association building. All the classes of the association are open to girls in the boarding home at moderate prices. The average price of board is \$3 a week, not including laundry. Milliners, bookbinders, stenographers, clerks, students, typewriters, girls in factories, buttonhole makers, dressmakers, and, to a limited extent, domestics, find a home in this house. At the time of making report there were 40 boarders in the house; it is possible to accommodate 55. References in regard to moral character are required of applicants for board. The home building is owned by the association, having been largely an individual gift for the purpose for which it is used. The home pays all its running expenses. Attendance upon family worship is an undeviating requirement in the home.

The building of the Women's Christian Association in Buffalo was undergoing extensive repairs at the time of the visit made to it in the course of this study, and there were only some 20 boarders in the house. The building, which is located at 10 Niagara square, is heated by furnace and has all the modern appliances and conveniences. Under the new arrangements the house will accommodate about 110 persons. Entirely new plumbing and a new laundry equipment have just been put in at a cost of \$2,000 to the association. Forty single iron bedsteads were taking the place of double bedsteads. The charge for room and board is \$3 to \$4 a week. The boarders are clerks in stores, child nurses, stenographers, typewriters, seamstresses, and milliners. An employment bureau, of which the residents in Buffalo avail them-

selves very largely, is carried on by the association. The following are the regulations of the boarding department:

1. Applications for board may be presented to the matron. The admission committee will consider such applications. Satisfactory testimonials of character will be required. The same committee will also consider the cases of boarders who do not conform to the regulations of the family. No boarder will be allowed to remain whose conduct is not satisfactory to the committee and matron.

2. Payment for board must be made, invariably in advance, to the matron each Monday. Any boarder wishing to invite a friend to a meal must first receive permission of the matron. Meals will be furnished guests at the regular price. On the ringing of the bell for meals, each boarder is required to take her place promptly at the table. No boarder must enter the pantry, and no food is to be taken from the table, or dishes, or napkins, to private rooms. In cases of illness, meals will be ordered by the matron. Meal tickets will be issued as follows, per dozen: dinner, \$2.40; tea or breakfast, \$1.80.

3. Rooms must be well aired every morning, and kept in all respects neat by the occupants, who are expected to make their own beds mornings. All rubbish must be placed in a box or basket, which will be removed by the chambermaid, and nothing must be thrown from the windows. Burnt matches, hair, or rubbish of any kind, must not be thrown into the water-closets or sinks. No nails or tacks must be driven either in woodwork, walls, floor, or furniture. All such work must be done by the janitor and by order of the matron. The walls must not be defaced by scratching of matches, scribbling, or anything of the kind. The use of the bathroom will be carefully adjusted, occupants of each room being assigned its use on certain days and hours. Only one occupant will be allowed in the bathroom at a time. No visiting between the rooms will be permitted except by consent of all the occupants.

4. Boarders are required to have good locks on their trunks. Money or valuables left in the rooms will be at the risk of the owner, and the association will not be responsible for them. They may be left, however, in the care of the matron. No trunks allowed to remain in the rooms, except the guest chamber. Storage will be charged for trunks left at the home after one week, at the rate of 25 cents per week.

5. All persons are prohibited from going into the laundry except on Thursday and Friday evenings. No garments are to be washed except handkerchiefs and hosiery. Any person breaking these rules will be denied the privilege of entering the laundry.

6. Family worship is held daily, which all are required to attend. It is expected that no boarder will absent herself from these exercises without a reasonable excuse to the matron. All are affectionately urged to attend church at least once on Sunday.

7. All visitors must leave the house promptly at 10 p. m. The gas will be turned off and the house closed at 10.30 p. m., when it is expected that all boarders will retire to their respective rooms and perfect quiet will be secured. A charge of 12½ cents a week is made to each boarder for gas. Permission to be out later than the time specified must be obtained from the matron.

8. All visitors will be received in the parlors, and, under no circumstances taken into the other parts of the building without the knowledge and consent of the matron. Men callers will be received *only on Tuesday and Thursday evenings.*

The boarding home of the Young Women's Christian Association, in Baltimore, located on the corner of Franklin street and Park avenue, has the advantage of being in one of the pleasant resident sections of that city. It can accommodate about 47 boarders, and the average number of permanent boarders is 33. The association devotes a large room to its library, has an excellent gymnasium and sitting room, class rooms, and sewing room. The number of bedrooms is small in proportion to the size of the building and the amount of work carried on, and difficulty is, therefore, experienced in making the boarding home self-sustaining. Situated, too, somewhat away from the busiest portion of the city, the dining room is not opened to those who are not boarders in the home. These things, while having a tendency to reduce income, have the effect of producing an unusually home-like atmosphere. In the spring and fall seasons the house is generally filled to its utmost capacity, and it is often found necessary to turn girls away for want of accommodations.

There are a number of single rooms, but usually two occupy a room, each girl having her own bed. The cost per week for living is \$3.25 for a single room and \$2.75 each where there are two or more in a room. This includes laundry, board, lodging, and all privileges of the house. A single night's lodging for a self-supporting girl is 15 cents; for others, 50 cents.

The halls of the building and living rooms are heated by steam; the bedrooms are heated from the halls only. There are gymnasium classes, and classes in stenography, typewriting, bookkeeping, and dressmaking open to all self-supporting women at nominal rates. All boarders are required to attend the Thursday evening special religious exercises as well as daily family prayers. The boarders are seamstresses, dress-makers, saleswomen, girls in manufacturing establishments, teachers, artists, kindergartners, medical students, students in business colleges, bookbinders, and milliners. Almost every occupation that honorably engages women is represented at one time or another in the home.

Through its fresh-air fund the association assists young working girls to needed rest and recreation in the summer months, and through its helping-hand branch, in another section of the city, it offers instruction in cooking, plain sewing, dressmaking, and fancy work, besides various entertainments, talks on popular subjects, and Bible-class work. An employment bureau is also a successful department of the association's work.

Unique in the position that it holds among the boarding homes for self-supporting women in this country is the Margaret Louisa Home, in New York City. It is the gift of private munificence to the Young Women's Christian Association, of New York, and is the direct outgrowth of the need felt by the association of a temporary home for Protestant self-supporting women. In no other city in this country is there provision made on such a scale for the temporary accommodation

of women who support themselves. The limit of time for each guest is four weeks, after which readmissions are made for a few days only, and no guest is entitled to more than thirty-five days in any current year. Applicants for admission are required to furnish references.

The home is located at 14 and 16 East Sixteenth street. It is a brownstone structure, six stories in height, in the very center of business, and has direct communication with the main building of the association on East Fifteenth street. It is tastefully and comfortably furnished. A conspicuous feature in the construction of the house is the light and air admitted to every part of it. The entire building is strictly fireproof. It contains 46 single and 31 double bedrooms; 108 beds in all. Of these 23 are occupied by employees, leaving accommodations for 80 boarders. Every room is heated by steam, lighted by both gas and electricity, and in direct communication with the outside air. Bathrooms are free to boarders. All plumbing is open and of the latest and most approved pattern. A laundry, fitted with modern machinery, occupies a portion of the top floor of the building. The price of single rooms is 50 cents per day; rooms with two beds, 80 cents; rooms with one double bed, 75 cents.

The restaurant is open to women only, and the aim is to provide wholesome, well-cooked food at moderate prices, the cost for breakfast or lunch being 20 cents, and for dinner, 35 cents. The bill of fare for breakfast includes a choice of tea, coffee, or chocolate, three cereals, two relishes, potatoes, rolls, and butter, with corn bread, griddle cakes, graham gems, muffins, pop-overs, or waffles; for lunch, soup, a hot relish, vegetable, salad, or a fruit sauce, and cold meats are provided; for dinner, soup, a choice of meats or fish, three vegetables, a choice of three desserts, with bread and butter, fruit, and tea or coffee. Meals may be broken as desired and only a portion of the table d'hôte meal ordered.

The restaurant has never quite reached the point of self support, though for 18 months, ending January, 1897, the loss had been reduced to so small a sum as to be equalized by the small margin of profit resulting from the rental of rooms. For these 18 months the home paid all its actual running expenses, exclusive of repairs and replenishings.

Since the restaurant was opened in February, 1891, an average of 306,000 meals has been served each year. The largest number of meals served in one year was 311,222; in one month, 30,318; in one day, 1,338; persons served at one meal, 610. For 10 months of the year the lunches averaged about 500 per day, breakfasts, 150, dinners, 250, though at all these meals a much higher figure was often reached.

Since the opening of the home in January, 1891, there were 15,054 original admissions of women to January, 1897. There were 12,710 readmissions, increasing the total number of admissions to 27,764. Of *these more than one-third*, or nearly 10,000, were teachers; the next

largest number in the classification of occupations was represented by over 3,000 dressmakers and milliners; nearly 2,000 were clerks, book-keepers, and stenographers; 1,500 were matrons and housekeepers, and about the same number were trained nurses, while the professional callings were represented by physicians, dentists, druggists, lawyers, and ministers; the business world by farmers, fruit growers, florists, and poultry raisers; the world of science and art by artists, electricians, wood carvers, sculptors, photographers, engravers, designers, architects, and microscopists, and the literary world by authors, editors, and journalists.

Access to the association building on East Fifteenth street is one of the pleasant features of the home, making easily available the privileges of the chapel, library, class rooms, and employment bureau.

Following is a comparative statement of statistics for the years 1895 and 1896:

STATISTICS OF MARGARET LOUISA HOME, 1895 AND 1896.

Items.	1895.	1896.	Items.	1895.	1896.
Admissions	5,773	6,057	Lunches	151,806	155,397
Lodgings	37,600	37,498	Dinners	94,143	88,477
Average number in house	103	102½	Average receipts per meal	\$0.22½	\$0.22
Receipts per night per lodger	\$0.45½	\$0.45½	Average cost per meal	\$0.23½	\$0.22½
Cost per night per lodger	\$0.43½	\$0.43	Cost of service per meal	\$0.08½	\$0.08½
Profit on each night's lodging per lodger	\$0.02	\$0.02½	Cost of food per meal	\$0.15	\$0.14
Meals	311,221	308,178	Loss on each meal	\$0.01½	\$0.00½
Breakfasts	65,272	64,301	Laundered pieces	481,526	561,296
			Cost per laundered piece	\$0.01	\$0.00½

There were in the home on January 1, 1896, 47 guests, 2 permanents, 10 officers, and 18 servants; a total of 77. Of the 6,057 admissions during 1896, there were 3,145 readmissions, leaving 2,912 women who had never been in the home before. Giving the admissions in detail, there were 434 in January, 379 in February, 536 in March, 636 in April, 465 in May, 573 in June, 640 in July, 481 in August, 419 in September, 519 in October, 496 in November, and 479 in December. The following statement gives statistics in regard to lodgings for the year ending December 31, 1896:

Number of lodgings furnished to guests	27,691
Number of lodgings furnished to employees	9,807
Total number of lodgings furnished	37,498
Largest number in house at one time	116
Average number in house per night	102½
Remained four weeks or over	177
Remained two weeks or over	281
Remained one week or over	741
Remained less than one week	4,935

The Young Women's Christian Association, of New York, also maintains a permanent boarding home for working women at 453 West Forty-seventh street, where the prices of board are \$3 and \$3.50 per

week. This home has a free circulating library and afternoon and evening classes in millinery, with small charge for lessons and materials.

Other departments of the association which are open to self-supporting women only, or those preparing for self-support, are the free circulating library, containing 25,000 volumes, in its East Fifteenth street building, its class department, and its concerts and entertainments which are given from November to May on the last Monday evening of each month. In the needlework department the articles are the work of self-supporting women, and all sales in the department are for the benefit of consignors. The Bible class, summer school, vacation circles, and office of the board directory are all open free to the use of any woman or girl. The board directory also receives all applications for admission to the seaside summer home of the association at Asbury Park, N. J., and for the country home. The employment bureau and the order department are among the agencies of the association for the help of women.

HOMES OF THE LADIES' CHRISTIAN UNION.

As stated previously, the pioneer work in this country in establishing boarding homes for self-supporting women was done by the Ladies' Christian Union in New York City, an organization of women similar in character and aims to the Women's Christian Association. In the year 1856 the Young Women's Home on Washington square had its beginning, and since then it has received any self-supporting Protestant woman of good moral character whenever there was room in the home. So great has been the demand that it has often happened that this home could not meet it, and in carrying out the object of the society "to promote the temporal, moral, and religious welfare of Protestant women, especially of those who are young and self-supporting," the union has established in other parts of New York City two other homes, called the Branch Home, at 308 Second avenue, and the Eva Home, at 153 East Sixty-second street.

One of the objects of the union in establishing several homes of moderate size, rather than one large building, is to foster the home idea and to make of each boarding house a home. In accordance with this idea the Young Women's Home on Washington square, under one superintendent, accommodates 85, and the Branch Home under another superintendent, and the Eva Home under still another, accommodate together about the same number. The buildings of the Branch Home and the Eva Home are both owned by the Ladies' Christian Union; that on Washington square is not, and having recently been sold, a change of location is possible in the near future.

The rates of living vary from \$3 to \$5 a week, it being the expectation that the price of board shall be proportioned to the income of each individual. In all three homes each boarder has her own bed,

washstand, and rocker. Baths are free in all the homes. In none of them is any educational work done. In the busy season of the year, from September to May, the homes are always full. Seamstresses, dressmakers, teachers, bookkeepers, stenographers, and saleswomen make up a large proportion of those in the homes.

During the last fiscal year the Eva Home, which is the youngest of the three homes, paid all its expenses and accumulated a surplus of \$968.87; the Branch Home paid its expenses, with a surplus nearly as large; while the Young Women's Home, having a large expenditure in ground and house rent, not incurred by the other homes, falls a little short of absolute self-support.

By making a donation of \$500 at one time a person may become a patron of the union; of \$100, an honorary member, and of \$50 a life member. Annual subscriptions form another source of income for the society.

HOMES UNDER THE CARE OF TRUSTEES, DIRECTORS, MANAGERS, OR LADY ASSOCIATES.

Another association which works along lines similar to the Ladies' Christian Union in having several small rather than one large home is the Young Women's Boarding Home Association, of Philadelphia, which has two homes on Clinton street under one roof and one matron, and another home on Pine street, also having its matron. It is believed by the association that this plan secures to young and unprotected girls that personal guidance and influence which the majority of girls crave in their home relations, and which can be made so strong a factor for good in the life of such girls in a large city. The association pays special attention to the personal comfort of the girls in that it provides for each one her own bed, her own washstand, and her own closet and chair. All the rooms in both houses are heated, and both houses are provided with sewing rooms, parlors, libraries, and reading rooms. The Clinton street home has also a recreation room. Board is \$3 a week to all, which includes washing and ironing, and medical attendance when necessary. Satisfactory references are required, and no one over 30 years of age is admitted without express consent of the managers.

The Boarding Home Association is formed of women of leisure and is now in its seventh year; the Clinton street home is in its twenty-seventh year. The association owns the houses. The average cost to the association for the support of each girl is \$3.35 a week. The Clinton street home when full, having from 40 to 45 boarders, pays its running expenses. On May 14, 1897, there were 44 in the home. The Pine street home is less than a year old, and had on the same date but 17 boarders, although it has accommodations for 26. Religious exercises are held in the library each evening. The occupations represented

are about the same in both houses. There are saleswomen, stenographers, typewriters, accountants in hotels and lunch rooms, bookbinders, tailoresses, students, machine operators in ready-made clothing establishments, and dressmakers in the dressmaking departments of stores.

The Home for Self-supporting Women at 275 Indiana street, Chicago, was started in small quarters on Illinois street in 1887. It is owned and directed by an association of women, 50 of whom form a board of directors, each member paying an annual membership fee of \$5. The house now occupied is a large double building, and cost with furnishings about \$24,000. It is well lighted and ventilated, is comfortably furnished, and has a library. It is one of the few homes in the city of Chicago in which women who earn low wages can find home comforts and pleasures at prices within their reach. Every girl received is supposed to be a stranger in the city and to have no other home in it. The majority of the boarders are dressmakers, saleswomen, accountants and stenographers, nursery governesses, and ladies' maids, and there are some few who work in factories. The prices of board range from \$2.50 a week in the dormitory to \$3 in double and \$3.50 in single rooms, the average cost of living being \$2.60. No girl is received in the dormitory who earns over \$8 a week. Those earning \$8 are expected to take either a single or a double room. Single iron bedsteads are used throughout the house, and dressing rooms arranged to accommodate two are connected with each dormitory. The house has 4 bath rooms; all have porcelain-lined tubs. The average number of boarders in the house is 60; the number at time of report was 62. A provident laundry is run in connection with the house.

An excellent house for women earning fairly good wages has been in existence for 26 years at 80 Willoughby street, Brooklyn. The organization which owns the property is incorporated under the name of The Business Women's Union of the City of Brooklyn, and the boarding house is under the immediate control of a board of managers, who are members of the union. From the beginning the house has paid its current expenses, repairs and new conveniences being provided for from outside sources.

The house contains 36 single bedrooms, and this is given as one of the reasons for its unvarying success. The rates for permanent boarders in these rooms are from \$4.75 to \$6 per week. In rooms accommodating two persons 50 cents less a week is charged. A separate washstand is provided for each one, and every boarder has a single bed. The house accommodates 42. On May 14, 1897, there were 36 boarders in the home. References are required. The larger number of the boarders are teachers, stenographers, typewriters, dressmakers, and trained nurses, the price of board putting this house practically out of the reach of women earning very low wages. A well-selected library of about 700 volumes, a parlor, reading room, and sitting room are open *for the pleasure and accommodation of all.* This union has now in con-

temptation the establishing of another boarding house for young girls who are earning very small wages.

The New England Helping Hand Society has a home for young girls at 124 Pembroke street, Boston. The object of the society, which was organized under its present name and form early in the year 1887, is, as set forth in its charter, the "providing of homes for working girls and otherwise extending to them a helping hand whenever it is deemed expedient by the society." The home is established especially for working girls who receive less than \$6 a week. None are received who earn over that amount, and when this sum is obtained in weekly wages by one already in the house, she is expected to give place to another who earns less, if the demand for such place arises.

The society is composed of three classes of members—annual, honorary, and life. The board of management consists of ten members, with the president, recording secretary, and treasurer exofficio members of the board. There is also an advisory board consisting of five male members. Annual members pay \$1 and honorary members \$5 annually, and \$25 paid at one time constitutes one a life member who has been regularly proposed and elected as such.

The house accommodates 21, and many are turned away every winter for want of room. All boarders pay \$3 a week. The house is attractive and homelike and social intercourse is encouraged. Family worship is held daily. An object of the society is to keep the home small enough to be homelike. Students are received as well as those already at work. It is estimated that the cost per week for supporting each girl is about \$5, including laundry work. This society also carries on as a department of its work a vacation home, for invalid and tired-out working women, at Hanson, Mass.

The Cooperative Home for Working Girls, at 348 West Fourteenth street, New York City, is a home for girls who receive from \$4 to \$6 a week, out of which they pay from \$2.50 to \$3 a week for board, laundry privileges being free. With an increase of salary they are expected to secure homes elsewhere in order to make room for the less fortunate. The home accommodates 31 boarders, and there are always many applicants for admission. It is a large, comfortable, steam-heated house.

While founded by a clergyman of the Methodist Episcopal Church, it is under the control of a board of trustees and a board of lady managers, who pay the rent of the house and make up any deficiency in its expense account. Since the home was founded in 1893, over 300 girls have been received and cared for. The rules, which are few, are those which are understood in any well-regulated private home. The girls are seamstresses, saleswomen, stenographers, typewriters, and pocket-book makers. Those without money are employed to do the work of the house, leaving them sufficient time to seek employment. Each one is expected to care for her own room. At one time in the history of the home there was but one girl in it who received over \$4 a week,

and at another time there was only one in it whose wages were as much as \$6 a week.

The Temporary Home for Working Women, at 453 Shawmut avenue, Boston, is one of the best examples of its class. The home was opened in 1878 in order that any poor and respectable woman able and willing to work might receive food and shelter in return for her work for the space of one month, thus giving time for securing employment through the agency of the home and by her own efforts. She must have three requisites—poverty, respectability, and ability.

The home is controlled by a board of twelve lady managers, who own the property, which is a large, bright, home-like building in the heart of the city. It is expected that the home will pay one-half of its expenses, this being accomplished through the receipts from laundry and sewing room, where the women who are in the home are expected to work from 7.30 in the morning until 4 in the afternoon. In the sewing room nurses' dresses are made and any kind of family sewing and mending done. Dressmaking, which was tried, was not found to be profitable, because there were seldom girls or women in the home who were capable of cutting, fitting, and finishing such work as it was desired to send out. Nor has it, in the experience of this home, been found advisable, or even possible, to run a laundry on a large scale with the average class of workers who come to a temporary home.

Though no effort is made to make the home profitable, yet the primary object in its founding is kept constantly in view, which is to enable women to become independent and self-supporting and to help self-respecting women over "hard places" without making them objects of charity. There is no limit as to age and no question as to religion.

There are no luxuries provided in the home, but there are the comforts to be found in a pleasant sitting room, bright dining room, clean beds, and well-ventilated bedrooms. There are accommodations for 32, with single iron bedsteads for all. The house is nearly always full. A matron, housekeeper, cook, and laundress are employed on salaries.

Since 1878 there have been 6,665 women admitted. There have been 540 lodgings paid for in money and 7,280 in work, and 1,643 meals paid for in money and 22,298 in work. During 1896 there were 442 women admitted. For the year ending December 31, 1896, the total receipts from all sources for the home, including a balance on hand December 31, 1895, of \$1,103.95, were \$6,460.31. Of this amount \$2,200.87 was received through the home, \$1,721.60 coming from the laundry alone. The expenses at the home were \$3,993.10.

The Shelter for Respectable Girls is located at 241 West Fourteenth street, New York City. It had its origin 25 years ago in a convalescent home for girls and training school. The need of the "Shelter" was recognized in her hospital work by the Protestant Episcopal sister who is still in charge of it. It was seen that girls and young women without *homes and not strong enough to work would be literally discharged*

into the streets when the hospital could no longer keep them. In the experience of the convalescent home it was found that those other classes of self-respecting working women who were temporarily without means and looking for work, or who were discharged suddenly from their places with or without fault, had no homes to turn to. Girls from country homes, or those who, in a too lengthy wait for work, had exhausted all their resources, came to notice. These considerations prompted the establishment of the Shelter for Respectable Girls, which succeeded the convalescent home, to do a broader work and to meet even a greater need.

The "Shelter" is not a charity; it is a help only in time of need. Each one is charged board, and if she can not pay while in the home she is expected to pay in small installments when she obtains employment. During the year of this report 500 women were received. About one-sixth of these were admitted free. There are usually from 25 to 30 girls in the house. The house is entirely unequal to the demands made upon it by the class that it would help. The appointments of the home are simple and comfortable. The beds are single and each girl has her own washstand. The boarders are usually child nurses, chambermaids and waitresses, laundresses, dressmakers, and milliners. The "Shelter" has no endowment and does not own the house it occupies. It is entirely dependent on donations, subscriptions, and board receipts for support. The board receipts pay about one-third of its expenses. Its governing power is vested in a board of trustees, who are responsible for the rent, and a board of lady associates, who solicit donations and subscriptions and give an annual entertainment.

Another home, which stands with open doors ready to help the working girl whenever there is any need of help and as long as the need exists, is the Young Woman's Christian Home, at 311 C street NW., Washington, D. C. While organized as a temporary home, girls are sheltered and cared for until in some other way a good, comfortable home is open to them. Idlers are not encouraged and the fundamental aim is to help women who want to help themselves, but the woman who stands in need of charitable assistance finds here a safe abiding place, food, and even clothes, until, through her own efforts and those of the home authorities, her social condition is bettered. If she earns \$6 a week or less, the home asks for her board and lodging only one-half of her earnings; when her income increases and she is the recipient of more than \$6 a week, she then pays \$3.50 for her living expenses, or even more, in the discretion of the committee on admissions.

While good moral character is an unfailing requisite for those who live in the house, any woman who may apply is admitted for a night's lodging, so far as the accommodations of the home will permit. It is also open to transient guests, who, fully able to pay, yet prefer the quiet and retirement of the home to the publicity of a hotel. Among

the occupations represented are typewriting, stenography, millinery, tailoring, dressmaking, house and chamber work, cooking, and nursing.

The home was incorporated in 1886, and is governed by a board of trustees, consisting of 30 members or more, 5 of whom constitute an advisory board, and all of whom are annually elected. Each trustee pays an annual subscription of \$5 into the treasury. The membership of this organization consists of four classes: Life, honorary, sustaining, and annual. Life members pay \$100 at one time; honorary members, \$25 at one time; sustaining members, \$5 a year, and annual members \$1 a year.

Two large, roomy parlors, daintily furnished bedrooms, a nicely appointed table, plenty of bath accommodations, sanitary plumbing, heat in all rooms, single beds as a rule, individual washstands, and a special room for the sick make this, in its material appointments, a more than ordinarily attractive home. There are accommodations in the house for 40 boarders; the average number is 20.

Family prayers are held daily, which all are expected to attend, as well as a special religious service held every Wednesday evening. Visiting is not allowed on Wednesday, Saturday, and Sunday evenings. The home closes at 10 p. m.

During the year covered by this report 7,759 meals were served free, 19,254 were paid for at half rates, 2,104 were worked for, and 4,315 were supplied to salaried employees; 2,491 lodgings were given free and 6,446 were paid for, 379 persons were cared for during the year, and employment was found for 98. The cost of carrying on the home for the same year was \$4,423.90. Of the receipts, \$2,901.23 were received from the home, \$1,000 from Congressional appropriation, and \$671.21 from all other sources. The total receipts, not including balance from previous year, were \$4,572.44. The organization owns the home building.

Some class work was undertaken during the winter of 1896-97, but the want of permanence in the residents of the home was found to militate against the success of such work to such an extent as to make it almost impracticable.

HOMES UNDER ROMAN CATHOLIC CARE.

Among the agencies for the comfort and help of working women in Boston is the Working Girls' Home of the Young Woman's Catholic Association, under the charge of the Grey Nuns, at 89 Union Park street. The home is a large, imposing building, 132 feet long and five stories high, heated by steam, and with approved sanitary equipments and all modern household conveniences. In addition to the library and reception rooms for the use of boarders, there is a large room given to recreation purposes, furnished with two pianos and a stage.

The home was begun in one house at first; then two houses were *taken, and as the work outgrew these, the present building was erected,*

accommodating 155 persons. The accommodations by no means meet the demand, 580 being refused admission during the past year. During that year 1,695 girls were received in the home, and during the previous year there were 1,694 enrolled. The best references are required of those who are received as boarders. The charge for board is from \$3 to \$5 a week, except to those learning to sew, when it is \$2.50 a week. The average charge is \$2.60. There is an extra laundry charge of 25 cents for a dozen pieces. Girls are taken care of in slight illness, and there is a thoroughly equipped dispensary in the house. Women are often temporarily kept free of charge until employment is obtained for them, but every effort is made to help such women to become independent and self-sustaining. The home is in no sense a charity. The cost for supporting each girl is estimated to be 37 cents a day, or \$2.59 a week. All boarders occupy single beds and each has her own wardrobe, which is portable, and her own washstand. There are 2 bathrooms on each flat, with porcelain-lined tubs. Four flats are used by domestics. There are 30 single bedrooms, 26 bedrooms for 2 persons only, and 21 in which there are 3 or more.

This home is both a temporary and a permanent one. Some women make their home here for years. Among the boarders are typewriters, stenographers, compositors, milliners, dressmakers, girls employed in piano and in shoe and rubber goods manufacturing establishments, store girls in all departments, domestics, students, and teachers. As a rule, the home is open only to those from outside the city, but in special cases a resident of Boston may be taken. The 10 o'clock rule prevails, with all reasonable exceptions. There is a noticeable absence of rule and restriction, and a home-like atmosphere pervades the beautiful building. Hospitality is encouraged. Girls are urged to receive their male friends in the parlors of the home. There are 8 Sisters in charge. The employment bureau is a valuable adjunct to the work of the home.

Other work of the Roman Catholics in this direction is carried on in the West by the Franciscan Sisters, who have three homes, one in Denver, one in Chicago, and one in St. Louis.

St. Francis' House of Providence, in Chicago, like the home in Boston, is a large establishment, with modern conveniences and appliances. The building has 130 rooms, with a sitting room on each floor for the special use of the girls. Each bedroom has two single beds. Board is from \$2 to \$3.50 a week, according to the ability to pay. Laundry privileges are free. The house has been sixteen years in existence and has a department for the unemployed as well as the employed. There were from 80 to 90 in the house during May, 1897, and 16 Sisters. Girls of all denominations are received.

The Catholic Home for Working Girls, in Buffalo, is part of a large Catholic property, and is situated in the business section of Buffalo, at 64 Franklin street. It is a transient home for those without work, or

for those who desire rest from work, and is filled mainly by domestics, who gladly avail themselves of its protection and of the help given them in getting employment. Only Catholics are received. The home accommodates 14 persons and only special cases are received without pay. It is not self-sustaining, and any deficiency in the expense account is made up from the receipts of the academy with which it is affiliated. Boarders have separate beds, several in a room. There is no teaching or training of any kind carried on except in sewing, and this is optional with the girls.

In Cleveland, St. Mary's Home, situated within walking distance of the business portion of the city, is a quiet home for respectable Catholic working girls. It was opened for this purpose in 1895. The price of board is low, being from \$2.15 to \$3 a week, thus coming within the reach of a needy class. The house accommodates 40 girls. When visited there were 25 in the home, consisting of house girls, dressmakers, telephone and telegraph operators, milliners, and designers in book-binding and stationery. They are taken care of when sick or out of employment, the expectation being that they will pay something when they can. In the house, which is three stories in height, there are 2 bathrooms; 17 of the sleeping rooms are single, 4 are for two only, and there are 3 dormitories. There are sewing machines for the use of the boarders, a piano, and an organ. Eleven Sisters reside in the home. From its foundation it has paid its current expenses, which do not, however, include cost of housing, supervision, or wages.

St. Vincent's Home, in Baltimore, although under the immediate care of the Sisters of Mercy, is a nonsectarian home. The director of the home is the pastor of St. Vincent's Church. It is located at 108 North Front street, and is a cleanly, attractive, and comfortable home, accommodating between 30 and 40 boarders. It is generally full, a number of the boarders being employed in manufacturing establishments. References are required of boarders. The house has a library, sewing room, and reception room. All rooms are heated, including bedrooms; single beds are provided, and each girl has her own washstand. Board is \$2.50 a week. The atmosphere of the home is peaceful and the moral tone high. The home, outside of the cost of housing and supervision, is self-supporting.

The Aisquith House, in the same locality in Baltimore, at 411 Aisquith street, was founded by the present director of the Carmelite Nuns, who was also the founder of St. Vincent's Home. Like St. Vincent's Home, the Aisquith House is open to girls of all denominations and is nonsectarian. It is governed by a board of managers, appointed by the founder of the house, who elect the matron. The founder also furnishes the use of the home building and furniture free, and supplies the greater portion of the fuel. It is expected that the house will pay all other expenses. References are required of boarders, and the references are verified. The house accommodates 25 boarders, and the num-

ber varies with the busy and dull seasons in factories and stores, the majority of the girls being employed in manufacturing establishments and shops. The price of board, lodging, and washing is \$2.50 a week where there are two or more in a room, and \$2.75 and \$3 a week for single rooms. In some cases girls are taken for less, and if out of service or employment they are given board and lodging in return for work. The house has a sewing room and two parlors, one of them a sitting room for girls. Separate beds are provided as a rule. Evening prayers are held, which all are required to attend. The house was founded in 1894.

HOMES UNDER PROTESTANT EPISCOPAL CARE.

The Girls' Club Boarding House of St. Bartholomew's Protestant Episcopal Church, in New York City, at 136 East Forty-seventh street, has been in existence since February 13, 1895. The house was originally opened for the members of the Working Girls' Club of St. Bartholomew's parish, but as the work has developed it has been opened to all working girls who could bring references as to moral character. The church rents the house and pays the house mother; otherwise it is expected that the house will be self-supporting. During the year for which this report is made it fulfilled this expectation and paid in addition \$600 toward the rent.

The house accommodates 25 girls. It has generally been overcrowded, except during the summer months. Since its opening 110 girls and young women have boarded in the house. Board to club members is \$3.50 a week; to others, \$4. No girl is received who earns over \$10 a week. Single iron bedsteads are provided for all. The house has modern sanitary plumbing throughout and the baths are free.

There is no code of rules in the house, and regulations understood to be in force are those of any well-ordered private home. The 10 o'clock rule is the only one to which any prominence is given, and the usual exceptions are made to this. The girls are typewriters, accountants, bookkeepers, shirt makers, saleswomen, dressmakers, and students. The boarders have the advantages offered in the club classes taught at the parish house. The club fees are 50 cents for initiation and 25 cents monthly dues, entitling a member to admission to all classes. The classes are typewriting, physical culture, cooking, shorthand, book-keeping, dressmaking, millinery, embroidery, and drawn work.

St. Paul's House, which is pleasantly located at 309 Cathedral street, in Baltimore, is owned and conducted by St. Paul's Parish. It is first a parish house, serving all those purposes for which parish houses are built, but, in addition to this, and entirely separate from other departments of work, St. Paul's House is also a protected home for young women who are not in a position to secure comfortable board at the usual rates. A girl earning \$6 or \$8 a week is not kept if her room is

needed for one earning less, and no one earning \$10 a week is received. Girls are helped by having their board paid for them for a month when out of employment.

An attractive parlor, girls' sitting room, bright dining room, heated bedrooms, porcelain-lined bath tubs, and all other appointments of a comfortable home are provided. Generally each girl who is a permanent boarder has her own room. She pays \$3 a week, including washing. There are 2 rooms for transients. During the last year there were 119 permanent and transient boarders in the house. At the time of this report there were 14. Of these 2 had been in the house for over six years, 1 for three years, and 1 for one year. Evening prayers are held, which all are required to attend. The internal government of the house, as far as its boarding department for girls is concerned, rests entirely in the hands of its matron.

The original cost of the building, including gas fixtures, etc., was \$18,794, and the cost of the lot was \$1,000. Two entire floors of the building are occupied by the boarding department; the remaining portion of the building, as already stated, is devoted to parish uses. The house approximates self-support, the cost to the parish funds being from \$300 to \$700 a year. For the year ending January 13, 1897, the receipts from board were \$1,863.10, and the cost of running the house was \$2,608.64. This amount includes furnishing, gas, fuel, care and repairs, and plumbing for the house, and \$1,745.68 for general house expenses of the boarding department. A balance on hand from the previous year of \$57.85 brings the cost to the parish for the year within the estimate stated above.

HOMES UNDER OTHER FORMS OF GOVERNMENT.

A home which, like the Margaret Louisa Home, in New York City, owes its origin to private munificence is the Girls' Boarding House, at 20 Ashburton place, Boston, called the Theta Club. Though named a club, it is in all respects a home, the most prominent feature of club life being its restaurant. The house accommodates but 16 resident boarders. These pay from \$5 to \$6 a week. The rates of board prevent this house from being sought by those receiving low wages. Of the 16 in the house during May, 1897, 7 were stenographers, 3 teachers, 1 compositor, 1 buyer in a large department store, 1 in charity work, 2 student teachers, and 1 student of music.

The primary object in opening this house was not so much to reach girls earning very low wages as to insure comfort to those able to pay a fairly reasonable sum for living, placing within their reach the privileges of a parlor, in which friendships could be formed and social intercourse encouraged, and giving them the benefit of well-cooked, nourishing food, selected with reference to their needs, and served in an acceptable style. Two large rooms, furnished attractively and com-

fortably, and provided with piano, books, and pictures, are devoted to parlor uses, and hospitality is encouraged and social pleasures provided. There are 2 girls in each bedroom. Individual provision is made for all wants, except heat in winter, which it is expected they will provide for themselves. They pay for their own laundry work.

From the first six months of its existence the house has been entirely self-supporting, the amount paid for board by the individual being above the average in houses of this class, and the restaurant being an important factor in such success. From 60 to 70 outsiders lunch here every day, the lunch being in reality a hot dinner, which is given for 25 cents. Receipts from lunches and from table boarders during the month of March, 1897, amounted to \$400.

All matters of detail in government are left to the superintendent, who, in the exercise of her power, is friend and guide to those under her roof. The founder of the house acts as adviser. There is no governing board and no other governing officers.

"Good Rest," a vacation house, at Lancaster, Mass., is associated with the Theta Club, in that both houses owe their origin to the same generous founder, and that girls from this club, as well as other working girls of Boston, are personally invited by her, for summer rest and recreation, to the holiday house.

Another home in Boston which is of special interest, because of its seven years' success and because of the simplicity of its management, is the Boarding House for Working Girls, at 115 and 117 Berkeley street. The superintendent in this house represents to the boarders its governing power. It is true there stands behind her an executive committee of five, of which the minister of the First Church (Unitarian) is chairman, but all matters of detail in the management of the house and of those under its roof are left to the superintendent, so that the boarders find in their home but little, if any, suggestion of the supervising power of a board of managers or a board of directors. In addition to the superintendent there is a housekeeper. This leaves the superintendent free to look after the outside interests of girls under her roof and to investigate cases of girls brought to her notice who require special care and attention. This house has been in existence in the same locality for seven years. It is within ten or fifteen minutes' walk of the business center of Boston.

From the first it was expected that the salary of superintendent and rent of house would come through a guaranty fund raised from year to year by the executive committee, and that after this provision the running expenses of the house would be met by the income from board. This expectation has been more than realized. For the seven years all running expenses of the house have been paid by the superintendent from receipts for board and lodging and a surplus each year of from \$600 to \$700 handed over to the treasurer toward the guaranty fund

for rent and salary of superintendent. One factor that makes such a financial showing possible is the serving of extra meals to table boarders.

The highest per capita cost for food a week has been \$2.19, the lowest \$2.08, and the average cost \$2.15. The highest per capita for all expenses has been \$3.37, the lowest \$3.29, and the average \$3.31. The average amount paid by girls for board is \$3.75 a week. The house accommodates 39 boarders, who pay from \$3.50 to \$4 a week, including washing. Girls are often received who are unable to pay even \$3.50 a week, and all efforts are then directed toward making them self-supporting. No one is received as a permanent boarder who earns over \$8 a week, and no girls are taken who have a respectable home in Boston. As a rule the house is filled to overflowing. The rooms are all heated by furnace and all have single beds. Five rooms have 2 beds only; others have 3 or 4. No washstand is used by more than 2 girls. There is a salaried housekeeper and 6 employees. The majority of the boarders are sewing girls, stenographers, accountants, and saleswomen. The rules are few and perhaps the most stringent is that requiring a girl to be in the house by 10 at night unless with special permission.

Three well-cooked, wholesome meals are served a day and an abundance provided at each meal. Three rooms are set apart in this house in which girls can entertain their friends, and a large room is given up to entertainments, dancing, etc. Some class work is carried on, which is, however, optional. There is an embroidery class with an efficient teacher, and during the last season a most successful gymnastic class was held in the evenings.

There is but little room in the house for transients, and this fact is to be deplored, since the atmosphere of the home is helpful to this very class of girls. Ten girls among the permanent boarders during the year 1895 and 12 during the previous year gave place to others because of increased wages, but even with this making way for the less fortunate the house does not seem in size to be equal to the demands made upon it. During the seven years of its life 420 young working women have lived in this house for a longer or shorter time, many of whom have been helped through its influence to absolute self-support.

The Adams House, at Waltham, is conducted by the American Waltham Watch Company as a home for certain classes of its employees, especially for girls and young women. It is a commodious, comfortable, well-located house, with sleeping accommodations for 134 persons. It is heated by steam and lighted with gas. The house is four stories in height and there are 3 bathrooms on each floor. It has dining-room accommodations for 250, and large reception rooms and parlors. It is expected that each bedroom will accommodate 2, being provided with a double bed. Great attention seems to be paid to cleanliness and to the physical comfort of the boarders. Girls are taken care of in the house in ordinary illness, trained nurses being sometimes provided at *the expense* of the company. In serious illness they are sent to the

Waltham Hospital, in most cases free of expense to themselves, unless they are fully able to pay.

The cost to the girls for room, board, light, and heat is \$3 a week. Laundry privileges are free. A matron and an assistant reside in the house and exercise a personal interest in and supervision over the girls who board there. The 10 o'clock rule is in force, with, however, all reasonable exceptions.

The house is not self-supporting. The receipts do not cover the expenditures for fuel, gas, insurance, repairs to building, and furniture, nor do they leave any margin for interest on the amount invested in property; but it is believed by the company that the home works for good in two directions: First, that women well nourished and well taken care of will make, and do make, a superior class of workers to those not so fed and housed, and second, that it serves to keep up the tone of other boarding houses in which girls and young women without local homes must live. Not alone is this true of the table and of other provision for physical comfort, but in many instances it has the effect of securing parlor privileges, which would not otherwise have been provided.

BOARDING CLUBS.

The Working Girls' Club, at 216 Franklin street, Buffalo, is an incorporated club, formed among working girls and women of wealth and leisure to provide by cooperation a home for busy women and girls where home comforts and pleasures can be secured at the lowest possible price; to furnish pleasant reading rooms, where its members can pass the evening and noon hours; to organize such classes for mutual improvement as the members may desire, and to collect a circulating library for the use of the members.

Its membership list includes annual members, who pay \$1 a year; sustaining members, who pay \$5 a year; honorary members, who pay \$10 a year, and life members, who pay \$25 at one time. In May, 1897, the membership list numbered about 1,100, the great majority of whom were working girls who were annual members. Members must be over 14 years of age. Annual membership entitles one to live in the club home if desired and gives all club privileges. For members of the club 5 cents less is charged on each meal than to others not members. The officers of the club are a president, three vice presidents, a treasurer, assistant treasurer, secretary, and assistant secretary. They are appointed by the board of directors, who are sustaining members of the club, and they hold their office during the pleasure of the board and until their successors are appointed. The board of directors hold monthly meetings at the clubhouse.

The club occupies the same house in which it was started in February, 1892. It was reorganized in May, 1894, and since 1895 it has ~~not~~ only supported itself but has now a small fund in reserve. The

rent, amounting to \$1,000 a year, is nearly paid from the rent of rooms, and the restaurant, in which three good, well-cooked meals a day are served at 10 cents each to members of the club, is more than self-supporting. To outsiders the same meals are 15 cents. About 150 members take dinner each day and from 60 to 70 take breakfast and supper. On the date on which the club was visited, May 6, 1897, the income from meals was \$20.45. The following is the bill of fare for one of the 10 cent dinners: Soup, roast, potatoes and one other vegetable, brown and white bread, dessert, tea or milk. The other meals are equally substantial and there is always a hot supper. The object of giving the most and best food for the least money seems to be secured.

A home atmosphere rather than that of a club pervades the house. The presence of a matron, who is not only housekeeper and general manager, but exercises a personal supervision over the members of the club who board in the clubhouse, gives form to the home idea. The house accommodates 29 persons, and the price for room to each one a week, including all the privileges of the house, is \$1. Laundry privileges are free. The accommodations of the house by no means equal the demand, and as many as 30 applicants have been refused admission in one week for want of room. The boarders occupy single beds, three as a rule in each room.

The club is sought by the best class of working girls, and it has been found necessary to expel only one member in the last three years. Places are secured for girls, and while much helpful work is quietly done in needy cases, yet the home life of the club encourages independence, self-government, and self-support. The girls are largely occupied in stores, shirt factories, and patent medicine manufacturing establishments, and as hairdressers, trained nurses, massagists, and stenographers. Girls wishing to fit themselves for positions in families are given a home and instruction free if they take a regular course in domestic training, which is, however, only six weeks in length.

Clubrooms are open every day from 7.30 a. m. to 9.30 p. m. The library is open every evening. The club members have free use of rooms, library, piano, and writing materials; also the privilege of consulting the club physician free of charge, access to dining room with meals at lowest price, and the use of daily papers and magazines in the reading room.

The classes which are formed during the winter are singing, dancing, gymnastics, fine needlework, embroidery and dressmaking, cooking, music, and recitation. Terms are 10 cents a lesson. Any other classes may be formed upon application of 10 members. The most successful classes have been those in dressmaking, cooking, piano, dancing, physical culture, and embroidery. There are monthly entertainments free to members and their friends.

The Working Girls' Club has organized a branch club, called the *Grace Dodge Society*, in East Buffalo, its object being to give to the

girls in that section of the city the advantages of the classes and social pleasures such as are enjoyed in the clubhouse. The society has been in existence for three years and numbers 30 members. It is officered by the girl members with the exception of the president. The society holds Tuesday evening meetings only, but membership in it entitles one to all the privileges of membership in the parent club.

The Alpha Sorosis Club, of Chicago, at 52 Dearborn street, is incorporated, and founded for the purpose of giving to busy women through cooperation advantages which as individuals they could not enjoy. The club provides at a reasonable cost meals for its members and guests, and to a limited extent rooms for resident women members. It has also classes in French, German, stenography, needlework, dressmaking, millinery, music, physical culture, dancing, etc. The fee for a lesson in most of these classes is 10 cents; for a piano lesson it is 25 cents. It is a self-governing body, all regularly elected members being voters. The executive authority of the club is vested in a board of 9 directors, elected by the members. New members must be regularly proposed by a member in good standing and a reference furnished. It requires a majority vote of the directors to elect a member. In May, 1897, the club numbered 350 members. Out of several hundred memberships but two have been revoked.

The membership fee is \$3 per annum. This gives a member access to restaurant and classes at low club rates, use of clubrooms, library and stationery, and all other club privileges, including residence in the clubrooms when there is a vacancy. It has ample dining-room accommodations, library, reception room, class rooms, and a commodious drawing-room. It has, however, room for only 40 resident members. Among the rooms are several for either one or two girls, but the greater number are cubicles. The rent of rooms is from \$1 to \$1.50 a week. The European plan prevails in the restaurant, no dish costing over 5 cents. There is an abundance of well-cooked food.

As this club is self-governing it also aims to be self-supporting, and with its well-conducted restaurant there is every prospect that it will become so. Since January, 1897, it has been able to meet all expenses, and now believes itself to be established on a firm financial basis. Members are mostly stenographers, clerks in office, bookkeepers, and saleswomen. The club has a physician in regular daily attendance, a fee of 10 cents being charged for consultation.

Large, attractive clubrooms, pleasant social companionship, opportunities for culture, and nourishing food at reasonable prices make this club a boon to the self-supporting women of Chicago. The building is in the heart of the city and its rooms teem with busy life. Arrangements are made with the Gamma Rest Association, at Lake Bluff, Ill., whereby the members of this club are received at club prices.

The Jane Club is incorporated and maintains a clubhouse for young women at 253 Ewing street, Chicago. At the clubhouse residents of

the club may lodge and board on the cooperative plan, all resident members sharing the expenses and benefits equally. Any self-supporting, unmarried woman, or widow without dependent children, between the ages of 18 and 45, who is of good moral character is eligible for regular membership. The size of the clubhouse limits its membership to 40. The officers of the club are president, vice president, secretary, treasurer, and steward. They are elected from among the resident members and serve for six months only. No officer is eligible for immediate reelection to the same office, though she may again fill the office after one or more intervening terms. The women performing the household work of the club are eligible for club membership.

The members of the club are mostly factory or store employees, with a few teachers and kindergartners among the number. The club was founded in 1892.

The weekly dues are \$3, which constitute the regular payment of board and lodging in the clubhouse. The constitution of the Jane Club requires that if there is any expense over \$3 a week, each member shall be assessed equally, but there have been but few special assessments made, since, as a rule, the expenses are kept within the income accruing from membership dues. One of the causes that make this showing possible is the fact that there is no expense for superintendence and a comparatively small expense for wages, since under the cooperative plan each member of the club takes her share of responsibility and work, and is expected, as far as possible, to keep down the expenses of the club.

The club occupies flats near the Hull House Social Settlement, and rents only the number necessary to accommodate its resident members, giving up such flats as may be found expedient to vacate. This proximity to the Hull House gives members of the club social advantages and opportunities for culture which would not be possible in many other localities. The classes, gymnasium, and entertainments at the Hull House are open to members of the Jane Club at the very low rates laid down in the Hull House Bulletin for residents of the neighborhood. The Jane Club owes its origin to the headworker of the Hull House, who helped it over its first days of financial struggle and who is still an honorary member of the club.

The Alice Fisher Alumnae Club, which is composed of graduates of the Philadelphia Hospital Training School for Nurses, has an attractive clubhouse at 804 Pine Street, Philadelphia. The house was opened January 12, 1895, and has sleeping accommodations for club members only. By the courtesy of the club the dining room is open to all graduates. It has a large and comfortably furnished clubroom, a reception room, and sleeping accommodations for 27 persons. In May, 1897, the house was full. Rooms are rented at from \$5 to \$7 a month for each occupant, from 2 to 4 as a rule occupying one room. Each *member has her own bed and her own closet, but in most cases 2 share*

a washstand. The rates in the dining room are 15 cents for breakfast, 15 cents for lunch, and 25 cents for dinner. Seven lunch or breakfast tickets can be purchased for \$1.

The club was started by the aid of the generous, but it aims to be entirely self-sustaining. It has two lists of members, resident and nonresident; the former pay \$5 annually and the latter \$2. The officers of the club are a president, vice president, secretary, treasurer, and twelve managers, elected annually by ballot, and constitute the board of managers. There is a matron in charge of the house and dining room. Connected with the club is the graduate registry for nurses.

ANALYSIS OF THE GENERAL TABLES.

In the first of the general tables are shown the names and locations of 90 homes for working women which have made reports to the Department on the schedules of inquiries prepared for the purpose, and the facts relating to them could therefore be presented in tabular form. Of the homes visited the greater number have also made written reports to the Department in the schedule form, and are included in this table. Nine homes among those visited, of which special reports are made in the preceding text, failed to make returns on the prepared schedules, and could not, therefore, be included in the statistical presentation. The summaries given in the analysis necessarily include only the 90 homes appearing by name in Table I.

The following summary shows the distribution of the homes by cities, with accommodations offered, number of boarders in the homes at date of report, number availing themselves of accommodations during the preceding year, and total number of boarders since the establishment of the homes.

HOMES, ACCOMMODATIONS OFFERED, AND NUMBER OF PERSONS ACCOMMODATED,
BY CITIES.

City.	Homes.	Accommodations offered.	Boarders at time of report.	Different boarders during year.	Different boarders since establishment of home.
Oakland, Cal.....	2	76	41	417	a 348
San Francisco, Cal.....	2	111	95	1,109	9,300
Denver, Colo.....	2	100	84	1,238	4,600
Hartford, Conn.....	1	70	65	100	b 2,000
New Haven, Conn.....	1	61	30	300	1,400
Washington, D. C.....	1	40	18	379	1,850
Chicago, Ill.....	7	582	410	a 4,997	e 7,875
Rockford, Ill.....	1	15	8	25	b 60
Fort Wayne, Ind.....	1	23	19	(d)	(d)
Indianapolis, Ind.....	1	26	20	175	800
Dubuque, Iowa.....	1	35	20	50	300
Topeka, Kans.....	1	30	12	(d)	(d)
Louisville, Ky.....	1	30	30	65	3,750
Bangor, Me.....	1	20	20	88	500
Lewiston, Me.....	1	15	9	72	306
Baltimore, Md.....	5	140	116	605	e 9,827
Boston, Mass.....	5	537	514	3,900	e 8,782
Fall River, Mass.....	1	12	4	f 38	f 38
Salem, Mass.....	1	26	20	30	(d)
Springfield, Mass.....	1	41	35	438	(d)
Worcester, Mass.....	1	85	78	142	355
Detroit, Mich.....	2	108	84	g 924	(d)
Kalamazoo, Mich.....	1	16	8	(d)	(d)
Minneapolis, Minn.....	2	100	57	595	(d)
Kansas City, Mo.....	1	130	50	300	(d)
St. Louis, Mo.....	5	235	188	2,203	e 14,640
Brooklyn, N. Y.....	2	61	54	a 30	a 152
Buffalo, N. Y.....	1	29	29	(d)	5,000
New York, N. Y.....	11	519	a 411	h 8,078	e 38,911
Rochester, N. Y.....	1	18	17	(d)	(d)
Troy, N. Y.....	1	57	57	57	(d)
Utica, N. Y.....	1	20	9	28	638
Cincinnati, Ohio.....	4	165	142	i 664	i 7,248
Cleveland, Ohio.....	2	85	77	620	a 450
Columbus, Ohio.....	1	j 50	20	(d)	(d)
East Liverpool, Ohio.....	1	17	10	65	150
Steubenville, Ohio.....	1	13	4	(d)	(d)
Portland, Oregon.....	2	63	a 23	338	a 700
Allegheny, Pa.....	1	22	22	35	(d)
Erie, Pa.....	1	16	5	35	68
Philadelphia, Pa.....	4	a 287	a 233	e 539	h 44
Pittsburg, Pa.....	2	76	76	(d)	(d)
Providence, R. I.....	2	183	132	a 423	(d)
Memphis, Tenn.....	1	55	40	112	900
Dallas, Tex.....	1	40	20	(d)	(d)
Richmond, Va.....	1	40	27	172	664

a One home not reporting.

b Not including transients.

c Four homes not reporting.

d Not reported.

e Two homes not reporting.

f From August 1, 1896, to April 30, 1897.

g One home reporting for 10 months only.

h Three homes not reporting.

i One home not reporting, and one reporting for 5 months only.

j Including day boarders.

Forty-six cities reported homes for working girls. Forty-one of these homes are in the cities of New York, Chicago, Boston, Philadelphia, Baltimore, St. Louis, and Cincinnati, leaving but 49 homes reporting from 39 other cities.

Eighty-nine homes reported accommodations for 4,484 boarders. Eighty-seven reported the total number of boarders at the time of report as 3,440, and as these 87 homes could accommodate 4,449, the number in such homes was therefore more than three-fourths of the whole number that could be accommodated. The reports of 71 homes, *adding 3 which reported for a portion of the year only, showed that girls and young women were residents therein during some part*

of the preceding year. In 48 homes, making reports of the different kinds of boarders received since their establishment, there have lived for a longer or a shorter time 121,656 girls and young women. Two of the 48 homes make a partial report only on this subject and 2 do not report those who have been transient boarders only.

Of the 90 homes, 85 reported date of establishment. Of these, 35 had been founded since 1890, the boarding club for women especially belonging to this period of time. Sixty-four of the 85 homes had been established since 1880, or in the last 17 years.

The Temporary Home Association in Philadelphia first opened its doors in 1849 for the temporary help of those out of employment; and, as stated elsewhere, the first permanent home for working women was that of the Ladies' Christian Union in New York City, which was established in 1856. The Sisters of Mercy came next in order of time, having founded a temporary home called the House of Mercy, in Cincinnati, in 1858. Five homes reported as having been founded during the 10 years from 1860 to 1869, and 13 during the next 10 years.

The cost of living per week, including room rent, varies from \$1, the minimum cost in the House of Mercy, in Cincinnati, to \$7 a week, the maximum cost in the Margaret Louisa Home, in New York City, and in the Portland Women's Union, in Portland, Oregon. Five homes only are reported in which the minimum cost of living is over \$4 a week, so that, omitting these and the 5 homes not reporting and 3 reporting only the cost of lodging, there are 77 homes in which a working woman can live at a cost of \$4 a week or less. There are 58 in which it is possible for her to live at a cost of \$3 a week or less.

Of the 90 homes, 15 are for permanent residence, 20 for temporary residence, and 55 for both permanent and temporary residence. In reference to the serving of free meals to the unemployed, 34 homes reported that they did not serve free meals, 33 homes served free meals to the unemployed, 17 served free meals in special cases, 2 served meals in return for work, 1 served meals on promise of future payment, and 3 did not report on the subject.

As a rule, the temporary homes serve free meals to the unemployed; the permanent homes seldom do, and of the homes which receive boarders either for a temporary stay or for an indefinite residence 17 do not serve free meals and 17 serve them only in special cases or on promise of future payment.

The accompanying summary shows the receipts of each home for the last fiscal year from board, room rent, and all other charges to boarders, the total expenditure for maintenance for the year, and the excess of expenditure over income from boarders in the various homes during the same period.

**RECEIPTS FROM BOARDERS AND TOTAL COST OF MAINTENANCE OF EACH HOME
FOR THE LAST FISCAL YEAR.**

Locality.	Name of home.	Receipts from boarders.	Total cost of maintaining home.	Excess of cost of maintenance over receipts from boarders.
Oakland, Cal.....	Chabot Woman's Sheltering and Protection Home.	\$654.65	\$4,269.69	\$3,615.04
Oakland, Cal.....	Young Women's Christian Association Home.	3,781.90	3,950.16	168.26
San Francisco, Cal....	San Francisco Girls' Union.....	3,115.20	9,020.60	5,905.40
San Francisco, Cal....	Young Women's Christian Association...	7,030.47	17,408.05	10,377.58
Denver, Colo.....	Young Women's Christian Association...	16,535.56	17,660.62	1,125.06
Denver, Colo.....	Young Woman's Christian Club.....	3,725.30	5,022.55	1,297.25
Hartford, Conn.....	Young Women's Boarding Home.....	8,794.22	8,794.22	-----
New Haven, Conn.....	Young Women's Christian Association...	9,446.64	10,352.73	906.09
Washington, D. C.....	Young Woman's Christian Home.....	(a)	4,423.90	(a)
Chicago, Ill.....	Home for Self-supporting Women.....	7,367.05	7,993.92	606.87
Chicago, Ill.....	House of Providence.....	(a)	(a)	(a)
Chicago, Ill.....	Jane Club.....	4,220.37	4,680.08	459.71
Chicago, Ill.....	Working Woman's Home ("Minnetonka")	2,145.30	2,242.72	97.42
Chicago, Ill.....	Young Women's Christian Association...	\$24,583.38	\$71,786.26	\$47,202.88
Chicago, Ill.....	Young Women's Christian Association, Transient Home.	2,355.33	2,807.70	452.37
Chicago, Ill.....	Young Women's Christian Home.....	920.88	1,295.78	374.50
Rockford, Ill.....	Young Women's Christian Association...	1,200.00	1,852.00	652.00
Fort Wayne, Ind.....	Young Women's Christian Association...	3,872.25	5,696.67	1,824.42
Indianapolis, Ind.....	Friends' Boarding Home for Girls.....	3,625.26	3,964.69	369.43
Dubuque, Iowa.....	Home for Working Girls.....	1,143.50	1,300.85	157.35
Topeka, Kans.....	Ingleside.....	(a)	1,001.00	(a)
Louisville, Ky.....	Young Women's Boarding Home.....	3,650.00	5,559.00	1,909.00
Bangor, Me.....	King's Daughters' Home of Bangor, Me.	2,157.37	2,982.55	825.18
Lewiston, Me.....	Young Women's Home.....	844.96	1,897.44	1,052.48
Baltimore, Md.....	Alequith House.....	1,300.80	1,449.70	118.90
Baltimore, Md.....	Female Christian Home.....	2,297.05	2,852.85	586.80
Baltimore, Md.....	St. Martha's Episcopal House.....	404.00	1,060.00	656.00
Baltimore, Md.....	St. Paul's House.....	1,863.10	2,608.64	745.54
Baltimore, Md.....	Young Women's Christian Association...	4,759.65	8,887.07	4,127.42
Boston, Mass.....	Boston Young Women's Christian Association, Berkeley Street Home.	30,704.59	\$36,663.43	\$5,958.84
Boston, Mass.....	Boston Young Women's Christian Association, Warrenton Street Home.	32,830.04	32,676.71	\$143.33
Boston, Mass.....	Boarding House for Working Girls.....	7,990.54	10,892.20	2,901.66
Boston, Mass.....	New England Helping Hand Home.....	2,201.49	4,121.31	1,919.82
Boston, Mass.....	Working Girls' Home, or Home of the Grey Nuns.	17,219.80	\$17,218.80	\$1.00
Fall River, Mass.....	Women's Union Home.....	\$1212.50	\$392.45	\$179.95
Salem, Mass.....	Woman's Friend Society.....	1,629.24	3,494.78	1,865.54
Springfield, Mass.....	Young Women's Christian Association Boarding Home.	5,815.15	12,070.62	6,255.47
Worcester, Mass.....	Young Women's Christian Association ..	20,510.83	33,534.37	13,023.54
Detroit, Mich.....	St. Mary Home for Young Women.....	1,983.02	3,782.97	1,799.95
Detroit, Mich.....	Young Woman's Home.....	7,710.92	6,745.60	\$965.32
Kalamazoo, Mich.....	Young Women's Christian Association ..	767.70	(a)	(a)
Minneapolis, Minn.....	Woman's Christian Association Boarding Home.	10,094.57	10,520.78	426.21
Minneapolis, Minn.....	Woman's Christian Association Branch Home.	3,067.89	3,317.29	249.40
Kansas City, Mo.....	Young Women's Christian Association Home.	7,402.60	14,617.65	7,215.05
St. Louis, Mo.....	St. Joseph's Convent of Mercy, Young Girls' Home.	(a)	(a)	(a)
St. Louis, Mo.....	St. Louis Working Girls' Home.....	\$2,700.00	2,600.00	\$100.00
St. Louis, Mo.....	Women's Christian Home.....	12,316.49	11,931.19	\$385.30
St. Louis, Mo.....	Women's Training School.....	10,863.90	17,028.55	6,164.65
St. Louis, Mo.....	Young Women's Christian Association ..	(a)	(a)	(a)
Brooklyn, N. Y.....	Business Women's Union.....	9,358.32	\$10,409.19	\$1,050.87

a Not reported.

b From board, room rent, and meals only; no separate report made of any other charges.

c Including \$36,592.53 paid on new building and \$5,825.83 interest on loan.

d Including expenditures for training school for domestics and for religious work.

e Excess of receipts from boarders over cost of maintenance.

f Including \$2,000 paid on mortgage.

g Cost of maintenance includes \$2,000 paid on mortgage.

h From August 1, 1896, to April 30, 1897.

i From lodgings only.

j Does not include receipts from meals.

k Excess of receipts from lodgers over cost of maintenance.

l Including \$517.50 interest and \$1,000 paid on mortgage.

m Cost of maintenance includes \$517.50 interest and \$1,000 paid on mortgage.

BOARDING HOMES AND CLUBS FOR WORKING WOMEN. 181

RECEIPTS FROM BOARDERS AND TOTAL COST OF MAINTENANCE OF EACH HOME FOR THE LAST FISCAL YEAR—Concluded.

Locality.	Name of home.	Receipts from boarders.	Total cost of maintaining home.	Excess of cost of maintenance over receipts from boarders.
Brooklyn, N. Y.	Young Women's Christian Association, Boarding Department.	\$2,696.17	\$4,457.20	\$1,761.03
Buffalo, N. Y.	Working Girls' Club of Buffalo, N. Y.	8,426.29	8,808.38	382.09
New York, N. Y.	Cooperative Home.	(a)	(a)	(a)
New York, N. Y.	Florence Crittenton.	925.13	1,643.00	717.87
New York, N. Y.	Girls' Home Society.	(a)	(a)	(a)
New York, N. Y.	Ladies' Christian Union Young Women's Home.	b 13,304.38	15,032.46	1,728.08
New York, N. Y.	Ladies' Christian Union Branch Home.	5,777.22	4,883.53	c 893.69
New York, N. Y.	Ladies' Christian Union Eva Home.	6,306.83	5,337.96	c 968.87
New York, N. Y.	Margaret Louisa Home of the Y. W. C. A.	88,760.83	95,257.53	6,496.70
New York, N. Y.	National Christian League Industrial Home for Self-supporting Women.	(a)	5,477.99	(a)
New York, N. Y.	St. Bartholomew's Girls' Club Boarding House.	(a)	(a)	(a)
New York, N. Y.	Shelter for Respectable Girls.	2,339.94	6,683.50	4,343.56
New York, N. Y.	Young Women's Home Society of the French Evangelical Church of the City of New York.	2,654.85	3,279.33	624.48
Rochester, N. Y.	Young Women's Christian Association Boarding Home.	(a)	(a)	(a)
Troy, N. Y.	Young Women's Association.	10,537.41	17,000.00	6,462.59
Utica, N. Y.	Industrial Home.	1,254.00	(a)	(a)
Cincinnati, Ohio.	House of Mercy.	700.00	825.00	125.00
Cincinnati, Ohio.	Lawrence.	d 602.80	d 971.47	d 368.67
Cincinnati, Ohio.	Sacred Heart Home for Young Working Girls.	(a)	(a)	(a)
Cincinnati, Ohio.	Young Women's Christian Association Boarding House.	1,822.75	3,996.25	2,173.50
Cleveland, Ohio.	Boarding Home for Working Women.	7,301.14	7,281.01	e 20.13
Cleveland, Ohio.	St. Mary's.	(a)	(a)	(a)
Columbus, Ohio.	Woman's Educational and Industrial Union.	2,450.81	3,372.76	921.95
East Liverpool, Ohio.	Woman's Christian Temperance Union Home for Young Women.	1,298.31	1,482.25	183.94
Steubenville, Ohio.	Helping Hand.	e 447.52	(a)	(a)
Portland, Oregon.	Home for Unemployed Women.	150.00	650.00	500.00
Portland, Oregon.	Portland Women's Union.	3,138.29	4,115.92	977.63
Allegheny, Pa.	Young Women's Boarding Home.	3,438.97	3,623.09	184.12
Erie, Pa.	Women's Christian Association Boarding Home of Erie.	e 1,419.44	1,774.33	354.89
Philadelphia, Pa.	Boarding Home of Germantown Women's Christian Association.	1,142.01	1,839.44	697.43
Philadelphia, Pa.	Guild Boarding Home.	926.85	1,241.60	354.75
Philadelphia, Pa.	Temporary Home Association.	2,876.78	4,038.14	1,161.36
Philadelphia, Pa.	Women's Christian Association of Philadelphia, Boarding Department.	53,652.70	72,822.51	19,169.81
Pittsburg, Pa.	Central Young Women's Christian Association.	15,965.33	21,008.80	5,043.47
Pittsburg, Pa.	Young Women's Christian Association Home.	f 1,462.70	1,932.50	469.80
Providence, R. I.	St. Maria Home.	6,788.23	8,614.12	1,825.89
Providence, R. I.	Young Women's Christian Association.	6,653.97	9,432.07	2,778.10
Memphis, Tenn.	Anne Brinkley Home.	3,019.13	2,960.00	e 59.13
Dallas, Tex.	Girls' Cooperative Home.	2,458.43	(a)	(a)
Richmond, Va.	Woman's Christian Association.	2,518.73	3,336.41	817.68

a Not reported.

b Including receipts from laundry conducted by the home.

c Excess of receipts from boarders over cost of maintenance.

d From January 8, 1897, to June 12, 1897.

e From board, room rent, and meals only; no separate report made of any other charges.

f Does not include receipts from meals.

From these figures it will be seen that in the majority of homes the income from the boarders only can not be altogether relied upon for the support of the home. This subject has been dwelt upon at some length in the preceding pages, but it is interesting and helpful to study the figures of the above table in this connection.

In 64 homes there is an excess of expenditure over the receipts from boarders, varying in amount from less than a hundred dollars to several thousand; 16 homes have not reported both items of income and expenditure, or have not reported them in such shape as to make it possible to make this comparison; 1 home reports an even balance sheet; 1 reports a difference of \$1 in favor of the income, and 8 others report that the income from the boarders more than pays the ordinary expenses of the home.

It is a fact worthy of note that of the homes which more than pay expenses from board receipts but one pays rent, being the St. Louis Working Girls' Home, in which no meals are served. The others own the buildings occupied.

Of the 90 homes, 54 are reported as owning the buildings, 2 others under Roman Catholic control report that the buildings are owned by the archbishop in one case and the Sisters of St. Joseph in the other. The building of 1 home is owned by the president of the league governing the home, and 1 home failed to report on this item, leaving 32 which pay rent or have it paid for them.

Rent is variously reported as ranging from \$180 a year to \$3,600. Two Young Women's Christian Associations, while owning the buildings which they occupy, report that they pay a small rent for a lodging house in the one case and a branch home in the other.

Forty-four of the homes report not only the kind of occupations engaged in by the girls and young women who are residents in such homes, but give also the number of girls and women pursuing those occupations.

The number of boarders for the last year in the Margaret Louisa Home, a most successful temporary home in New York City, is so large a proportion of the whole number reported that it has seemed best to make a separate statement of the number of such boarders pursuing each occupation.

This is rendered necessary, also, from the fact that the range of occupations of those availing themselves of the hospitality of this home is much more extended than is ordinarily the case in other homes in this classification, the professional and semiprofessional callings being so largely represented as to make a comparison on the basis of occupation with the majority of other homes almost impossible.

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For the 43 other homes reporting the classification of occupations, with the number in each, the summary is as follows:

Nurses, cooks, chambermaids, waitresses, parlor maids, and other domestics	586	Office employees.....	14
Stenographers, bookkeepers, and cashiers	309	Bindery employees	12
Saleswomen, shop girls, and clerks	270	Engaged in religious work	11
Dressmakers and seamstresses	259	Canvassers, agents, and travelers..	11
Students	241	Artists and designers	10
Teachers and governesses	146	Manicurists, massagists, shampooers, and chiropodists.....	10
Milliners	87	Telegraph operators	9
Factory and mill employees.....	82	Trained nurses	8
Companions and ladies' maids	81	Hairdressers	5
Nursery governesses	33	Librarians	5
Machine operators	20	Laundry employees.....	5
Matrons and housekeepers.....	17	Pottery employees.....	5
Tailoresses and vest makers.....	17	Secretaries and superintendent ...	3
Telephone operators.....	16	Miscellaneous	95
Typewriters.....	15	No occupation.....	14
Compositors and proof readers....	14	Total	2,410

In the Margaret Louisa Home the classification is as follows:

Nurses	110	Telegraph operators	9
Stenographers, bookkeepers, and cashiers	342	Trained nurses	117
Saleswomen and clerks	237	Hairdressers.....	14
Dressmakers and seamstresses	489	Librarians	39
Students	229	Secretaries and superintendents...	84
Teachers and governesses.....	2,016	Miscellaneous (including 127 journalists, editors, reporters, cataloguers, and other literary workers; 70 physicians; 70 musicians, organists, singers, and violinists; 26 elocutionists, readers, and lecturers; 82 employed in china painting, fancy work, art embroidery, and lace; 96 boarding house and hotel keepers, and 116 in other occupations).....	587
Milliners	639	Total	6,022
Factory and mill employees.....	22		
Companions	43		
Matrons and housekeepers	225		
Typewriters.....	9		
Compositors and proof readers....	15		
Office employees.....	10		
Bindery employee	1		
Engaged in religious work.....	53		
Canvassers, agents, and travelers..	523		
Artists and designers	172		
Manicurists and massagists	7		

In the homes reporting on this subject other than the Margaret Louisa Home domestic service is more largely represented than any other occupation, the number in service, as given above, being more than one-fifth of the total number reported; stenographers, bookkeepers, and cashiers rank next in point of numbers; saleswomen, shop girls, and clerks come next, while dressmakers and seamstresses hold the fourth place in this classification by occupations. There are but 82 factory and mill employees reported, out of a total of 2,410. The fact that these homes do not largely reach this class of workers and some suggestions as to the reasons therefor have already been touched upon.

TABLE I.—NAME, LOCALITY, AND PROPERTY VALUE OF HOMES.

Mar- ginal num- ber.	Locality.	Name of home.
1	Oakland, Cal.	Chabot Woman's Sheltering and Protection Home
2	Oakland, Cal.	Young Women's Christian Association Home
3	San Francisco, Cal. .	San Francisco Girls' Union
4	San Francisco, Cal. .	Young Women's Christian Association
5	Denver, Colo.	Young Women's Christian Association
6	Denver, Colo.	Young Woman's Christian Club
7	Hartford, Conn.	Young Women's Boarding Home
8	New Haven, Conn. .	Young Women's Christian Association
9	Washington, D. C. .	Young Woman's Christian Home
10	Chicago, Ill.	Home for Self-supporting Women
11	Chicago, Ill.	House of Providence
12	Chicago, Ill.	Jane Club
13	Chicago, Ill.	Working Woman's Home ("Minnetonka")
14	Chicago, Ill.	Young Women's Christian Association
15	Chicago, Ill.	Young Women's Christian Association, Transient Home
16	Chicago, Ill.	Young Woman's Christian Home
17	Rockford, Ill.	Young Women's Christian Association
18	Fort Wayne, Ind. .	Young Women's Christian Association
19	Indianapolis, Ind. .	Friends' Boarding Home for Girls
20	Dubuque, Iowa .	Home for Working Girls
21	Topeka, Kans.	Ingle-side
22	Louisville, Ky.	Young Women's Boarding Home
23	Bangor, Me.	King's Daughters' Home of Bangor, Me
24	Lewiston, Me.	Young Women's Home
25	Baltimore, Md.	Aisquith House
26	Baltimore, Md.	Female Christian Home
27	Baltimore, Md.	St. Martha's Episcopal House
28	Baltimore, Md.	St. Paul's House
29	Baltimore, Md.	Young Women's Christian Association
30	Boston, Mass.	Boston Young Women's Christian Association, Berkeley Street Home
31	Boston, Mass.	Boston Young Women's Christian Association, Warrenton Street Home
32	Boston, Mass.	Boarding House for Working Girls
33	Boston, Mass.	New England Helping Hand Home
34	Boston, Mass.	Working Girls' Home, or Home of the Grey Nuns
35	Fall River, Mass. .	Women's Union Home
36	Salem, Mass.	Woman's Friend Society
37	Springfield, Mass. .	Young Women's Christian Association Boarding Home
38	Worcester, Mass. .	Young Women's Christian Association
39	Detroit, Mich.	St. Mary Home for Young Women
40	Detroit, Mich.	Young Woman's Home
41	Kalamazoo, Mich. .	Young Women's Christian Association
42	Minneapolis, Minn. .	Woman's Christian Association Boarding Home
43	Minneapolis, Minn. .	Woman's Christian Association Branch Home
44	Kansas City, Mo. .	Young Women's Christian Association Home
45	St. Louis, Mo.	St. Joseph's Convent of Mercy, Young Girls' Home
46	St. Louis, Mo.	St. Louis Working Girls' Home
47	St. Louis, Mo.	Women's Christian Home
48	St. Louis, Mo.	Women's Training School
49	St. Louis, Mo.	Young Women's Christian Association
50	Brooklyn, N. Y.	Business Women's Union
51	Brooklyn, N. Y.	Young Women's Christian Association, Boarding Department
52	Buffalo, N. Y.	Working Girls' Club of Buffalo, N. Y.
53	New York, N. Y.	Cooperative Home
54	New York, N. Y.	Florence Crittenton
55	New York, N. Y.	Girls' Home Society
56	New York, N. Y.	Ladies' Christian Union Young Women's Home
57	New York, N. Y.	Ladies' Christian Union Branch Home
58	New York, N. Y.	Ladies' Christian Union Eva Home
59	New York, N. Y.	Margaret Louisa Home of the Y. W. C. A.
60	New York, N. Y.	National Christian League Industrial Home for Self-supporting Women
61	New York, N. Y.	St. Bartholomew's Girls' Club Boarding House
62	New York, N. Y.	Shelter for Respectable Girls
63	New York, N. Y.	Young Women's Home Society of the French Evangelical Church in the City of New York
64	Rochester, N. Y.	Young Women's Christian Association Boarding Home
65	Troy, N. Y.	Young Women's Association

a Not incorporated.

b Not reported.

c The home is under the management of the Y. W. C. A., which was incorporated in 1877.

d For lodging house.

e The home is a department of the Y. W. C. A., which was chartered April 2, 1879.

f Rent donated.

g For branch home.

h Including Warrenton Street Home.

i Included in Berkeley Street Home.

j Owned by the archbishop.

k Operated under charter of Fall River Women's Union, which was chartered February 7, 1887.

l From August 1, 1896, to April 30, 1897.

BOARDING HOMES AND CLUBS FOR WORKING WOMEN. 185

TABLE I.—NAME, LOCALITY, AND PROPERTY VALUE OF HOMES.

Established.	Incorporated.	Building owned.	If owned, estimated value of land and improvements.	If not owned, yearly rent.	Value of furniture and other household articles owned.	Marginal number.
May 3, 1888.....	(a)	Yes.....	\$12,000.00		\$1,500.00	1
Nov. 3, 1892.....	Nov. 17, 1890.....	Yes.....	18,000.00		2,500.00	2
Mar. 27, 1884.....	June 6, 1884.....	No.....		\$960.00	1,000.00	3
Sept. 18, 1877.....	Mar. 22, 1886.....	Yes.....	42,000.00		5,000.00	4
Jan. 11, 1887.....	July 3, 1893.....	No.....		3,024.00	2,000.00	5
May 23, 1892.....	(a)	No.....		1,020.00	2,000.00	6
Oct. —, 1872.....	July —, 1869.....	Yes.....	60,000.00			7
Dec. —, 1880.....	Mar. 8, 1882.....	Yes.....	40,000.00		3,500.00	8
Apr. —, 1886.....	Feb. 23, 1886.....	Yes.....	30,000.00		1,000.00	9
—, 1887.....	—, 1890.....	Yes.....	20,000.00		2,500.00	10
(b)	(b)	Yes.....	(b)		(b)	11
May —, 1892.....	(a)	No.....		840.00	1,500.00	12
Apr. —, 1890.....	Apr. —, 1890.....	No.....		720.00	000.00	13
—, 1876.....	—, 1877.....	Yes.....	35,000.00		10,000.00	14
May 1, 1889.....	(c)	No.....		900.00	300.00	15
Sept. 1, 1895.....	(a)	No.....		240.00	400.00	16
May —, 1891.....	July —, 1891.....	Yes.....	6,000.00	d 156.00	500.00	17
June —, 1894.....	Mar. 6, 1897.....	No.....		855.50	1,000.00	18
July 22, 1890.....	(a)	No.....		960.00	1,000.00	19
July —, 1884.....	(a)	Yes.....	15,000.00		3,000.00	20
—, 1881.....	Feb. 25, 1886.....	Yes.....	7,500.00		2,500.00	21
Dec. 2, 1867.....	Dec. 2, 1867.....	Yes.....	11,000.00		3,000.00	22
July 31, 1891.....	Dec. 2, 1891.....	Yes.....	7,000.00		1,500.00	23
Jan. 20, 1893.....	(e)	Yes.....	8,500.00		925.00	24
Aug. 1, 1894.....	June —, 1895.....	No.....		(f)	300.00	25
Dec. —, 1865.....	Apr. 8, 1867.....	Yes.....	16,200.00		500.00	26
Sept. 20, 1894.....	—, 1897.....	Yes.....	5,500.00		500.00	27
Nov. 1, 1882.....	(a)	Yes.....	22,300.00		500.00	28
Feb. 12, 1883.....	Feb. 10, 1883.....	Yes.....	34,000.00	g 300.00	8,000.00	29
—, 1884.....	Apr. 13, 1867.....	Yes.....	h 275,000.00		h 25,000.00	30
—, 1874.....	Apr. 13, 1867.....	Yes.....	(i)		(i)	31
Sept. —, 1860.....	(a)	No.....		2,200.00	6,000.00	32
—, 1885.....	Dec. 12, 1887.....	Yes.....	13,000.00		1,500.00	33
Apr. 1, 1888.....	Apr. 1, 1889.....	(j)	25,000.00		15,000.00	34
Aug. 1, 1896.....	(k)	No.....		1162.00	500.00	35
—, 1876.....	—, 1885.....	Yes.....	9,200.00		1,200.00	36
—, 1885.....	(m)	Yes.....	10,000.00		2,000.00	37
Sept. 22, 1892.....	(n)	Yes.....	o 121,059.78		o 12,812.59	38
Jan. 1, 1895.....	Mar. 1, 1896.....	No.....		600.00	2,500.00	39
—, 1877.....	—, 1877.....	Yes.....	30,000.00		2,500.00	40
—, 1887.....	—, 1893.....	Yes.....	6,500.00		500.00	41
—, 1872.....	Nov. 6, 1896.....	Yes.....	(b)		(b)	42
—, 1884.....	(b)	No.....		882.50	(b)	43
—, 1888.....	—, 1890.....	No.....		1,200.00	2,500.00	44
(b)	(b)	(b)	(b)	(b)	(b)	45
—, 1889.....	—, 1895.....	No.....		780.00	500.00	46
—, 1868.....	Jan. 5, 1870.....	Yes.....	32,000.00		3,000.00	47
Nov. —, 1882.....	(p)	No.....		2,503.20	2,000.00	48
(b)	—, 1882.....	No.....		720.00	(b)	49
May 1, 1871.....	Nov. —, 1871.....	Yes.....	37,000.00		(b)	50
(b)	—, 1880.....	No.....		q 200.01	1,000.00	51
Feb. —, 1892.....	June 2, 1896.....	No.....		1,000.00	3,000.00	52
Nov. —, 1893.....	June 12, 1896.....	No.....		1,500.00	(b)	53
Apr. 6, 1891.....	Apr. 3, 1893.....	No.....		(f)	2,000.00	54
Feb. —, 1895.....	(a)	No.....		600.00	(b)	55
—, 1856.....	Apr. 5, 1866.....	Yes.....	(b)		(b)	56
—, 1870.....	Apr. 5, 1866.....	Yes.....	26,000.00		(b)	57
—, 1893.....	Apr. 5, 1866.....	Yes.....	(b)		(b)	58
Jan. 19, 1891.....	(r)	Yes.....	(s)		10,000.00	59
May 1, 1895.....	(t)	(u)	45,000.00		3,000.00	60
Feb. —, 1895.....	(v)	No.....		1,500.00	2,000.00	61
—, 1872.....	—, 1880.....	No.....		3,600.00	3,000.00	62
—, 1888.....	Oct. 7, 1890.....	Yes.....	15,000.00		(b)	63
—, 1884.....	—, 1891-1895.....	Yes.....	20,000.00		(b)	64
—, 1883.....	—, 1889.....	Yes.....	60,000.00		4,000.00	65

m The home is a department of the Y. W. C. A., which was incorporated in 1882.
 n The home is a department of the Y. W. C. A., which was incorporated October 26, 1885.
 o Includes value of Y. W. C. A. property and Vacation House.
 p The home is a department of the Y. W. C. A., which was chartered in 1870.
 q For three months; rent free for two years.
 r The home is a department of the Y. W. C. A., which was incorporated April 29, 1873.
 s Not known; gift of Mrs. Elliott F. Shepard.
 t The home is under the management of the National Christian League, which is incorporated; date not reported.
 u Owned by the president of the league.
 v Operated under charter of St. Bartholomew's Club; date of incorporation not reported.

TABLE I.—NAME, LOCALITY, AND PROPERTY VALUE OF HOMES—Concluded.

Marginal number.	Locality.	Name of home.
66	Utica, N. Y.	Industrial Home
67	Cincinnati, Ohio	House of Mercy
68	Cincinnati, Ohio	Lawrence
69	Cincinnati, Ohio	Sacred Heart Home for Young Working Girls
70	Cincinnati, Ohio	Young Women's Christian Association Boarding House
71	Cleveland, Ohio	Boarding Home for Working Women
72	Cleveland, Ohio	St. Mary's
73	Columbus, Ohio	Women's Educational and Industrial Union
74	East Liverpool, Ohio ..	Woman's Christian Temperance Union Home for Young Women
75	Steubenville, Ohio ..	Helping Hand
76	Portland, Oregon	Home for Unemployed Women
77	Portland, Oregon	Portland Women's Union
78	Allentown, Pa.	Young Women's Boarding Home
79	Erie, Pa.	Women's Christian Association Boarding Home of Erie
80	Philadelphia, Pa.	Boarding Home of Germantown Women's Christian Association
81	Philadelphia, Pa.	Guild Boarding Home
82	Philadelphia, Pa.	Temporary Home Association
83	Philadelphia, Pa.	Women's Christian Association of Philadelphia, Boarding Department
84	Pittsburg, Pa.	Central Young Women's Christian Association
85	Pittsburg, Pa.	Young Women's Christian Association Home
86	Providence, R. I.	St. Maria Home
87	Providence, R. I.	Young Women's Christian Association
88	Memphis, Tenn.	Anne Brinkley Home
89	Dallas, Tex.	Girls' Cooperative Home
90	Richmond, Va.	Woman's Christian Association

a Not incorporated.

b From January 8, 1897, to June 12, 1897.

c Owned by Sisters of St. Joseph.

d Not reported.

TABLE II.—AGENCY THROUGH WHICH HOME WAS ESTABLISHED AND CONDITIONS OF ADMISSION.

Marginal number.	Agency through which home was established.	Home for temporary or permanent residence.
1	Bequest of Anthony Chabot	Temporary
2	Earnest women and persistent effort	Both
3	Philanthropic men and women of the various churches	Both
4	Managers of the association	Both
5	Ladies of the city	Both
6	Sunday-school class, Trinity M. E. Church	Both
7	Women's Christian Association	Permanent
8	Ladies of the city	Both
9	Mrs. Mary G. Wilkinson	Temporary
10	A committee of ladies interested in working girls	Permanent
11	Franciscan Sisters	Permanent
12	Miss Jane Addams, of Hull House	Permanent
13	(a)	Both
14	Young Women's Christian Association	Both
15	Young Women's Christian Association	Both
16	Public philanthropy	Both
17	Young Women's Christian Association	Both
18	International Committee Young Women's Christian Association	Both
19	Women of Western Yearly Meeting of Friends' Church	Both
20	(a)	Permanent
21	Citizens of Topoka	Both
22	Mrs. Mary Crutcher and others	Both
23	King's Daughters' Union, of Bangor	Temporary
24	Women's Christian Association	Both
25	Rev. Edmund Didies	Both
26	Ladies of various Protestant churches	Both
27	Daughters of the King	Both
28	Parishioners of St. Paul's Church, Baltimore	Temporary
29	A few Christian women	Both
30	Boston Young Women's Christian Association	Both
31	Boston Young Women's Christian Association	Both

a Not reported.

BOARDING HOMES AND CLUBS FOR WORKING WOMEN.¹ 187

TABLE I.—NAME, LOCALITY, AND PROPERTY VALUE OF HOMES—Concluded.

Established.	Incorporated.	Building owned.	If owned, estimated value of land and improvements.	If not owned, yearly rent.	Value of furniture and other household articles owned.	Marginal number.
—, 1871.....	June 6, 1871.....	Yes.....	\$20,000.00	.....	\$1,500.00	66
—, 1858.....	(a).....	Yes.....	24,000.00	.....	2,000.00	67
Oct. 1, 1896.....	(a).....	No.....	.....	b \$275.00	350.00	68
June 16, 1892.....	Feb. —, 1893.....	(c).....	45,000.00	.....	3,000.00	69
(d).....	Oct. 6, 1868.....	Yes.....	22,000.00	.....	2,500.00	70
Nov. 11, 1869.....	(e).....	Yes.....	30,000.00	.....	1,500.00	71
Mar. —, 1895.....	(d).....	Yes.....	(d).....	.....	(d).....	72
Dec. —, 1896.....	Jan. 26, 1887.....	Yes.....	16,500.00	.....	500.00	73
Nov. 3, 1894.....	(d).....	No.....	.....	288.00	1,200.00	74
Dec. 1, 1895.....	(a).....	No.....	.....	180.00	(d).....	75
June —, 1895.....	(d).....	No.....	.....	180.00	500.00	76
Oct. 21, 1887.....	Oct. 21, 1887.....	Yes.....	20,369.00	.....	4,216.00	77
Mar. 25, 1889.....	(f).....	Yes.....	20,000.00	.....	1,500.00	78
Apr. —, 1895.....	Mar. 22, 1895.....	No.....	.....	480.00	(d).....	79
—, 1870.....	—, 1875.....	Yes.....	13,000.00	.....	(d).....	80
Apr. —, 1896.....	(d).....	No.....	.....	336.00	800.00	81
June 25, 1849.....	Jan. 29, 1852.....	Yes.....	12,000.00	.....	1,000.00	82
June —, 1871.....	May —, 1871.....	Yes.....	335,000.00	.....	15,000.00	83
Dec. —, 1891.....	Dec. —, 1891.....	No.....	.....	g 2,422.05	(d).....	84
—, 1890.....	June 9, 1888.....	Yes.....	12,000.00	.....	1,500.00	85
—, 1888.....	Feb. 21, 1890.....	Yes.....	75,000.00	.....	(d).....	86
—, 1867.....	—, 1870.....	Yes.....	h 39,221.68	.....	(d).....	87
—, 1887.....	—, 1887.....	Yes.....	23,000.00	.....	2,000.00	88
—, 1891.....	—, 1892.....	Yes.....	8,500.00	.....	1,500.00	89
Mar. —, 1887.....	Mar. —, 1890.....	Yes.....	18,000.00	.....	2,000.00	90

c The home is a department of the Y. W. C. A. of Cleveland, which was incorporated in April, 1869.

f The home is a branch of the Y. W. C. A., which is incorporated; date not reported.

g Including water tax.

h Two buildings.

TABLE II.—AGENCY THROUGH WHICH HOME WAS ESTABLISHED AND CONDITIONS OF ADMISSION.

Conditions of admission.		Marginal number.
Age.	Other.	
All ages.....	Respectability; working for a living.....	1
Under 35 years.....	Protestant.....	2
10 to 35 years.....	No conditions relating to religion.....	3
16 to 35 years.....	Good character; two reliable references.....	4
All ages.....	Good character.....	5
16 years and over.....	Good character; self-supporting.....	6
Under 40 years.....	Self-supporting or preparing for self-support; Protestant; white.....	7
Under 30 years.....	Good character; those earning small wages given preference.....	8
Under 25 years.....	Good character; in need of help.....	9
Under 30 years.....	Respectability; without natural protection in Chicago.....	10
14 years and over.....	Good character.....	11
13 to 35 years.....	Good character; city reference; self-supporting; subscribe to constitution.....	12
All ages.....	Respectability; working for a living.....	13
(a).....	Good character.....	14
All ages.....	No restrictions.....	15
(a).....	Respectability; self-maintenance.....	16
16 to 40 years.....	Two acceptable references.....	17
All ages.....	Good character; wholly or partially self-supporting.....	18
All ages.....	Good character.....	19
All ages.....	Good character.....	20
(a).....	(a).....	21
32 years and under.....	(a).....	22
All ages.....	Good character.....	23
Young girls preferred.....	Good character.....	24
18 years to middle age.....	Respectability; industry; cleanliness.....	25
Under 27 years.....	Good character; self-supporting.....	26
(a).....	Good character; able to pay only moderate board.....	27
Under 25 years (b).....	References as to good character.....	28
Under 35 years.....	Two references as to good character.....	29
25 years and under.....	References as to good character.....	30
25 years and under.....	References as to good character.....	31

b Exceptions are made.

TABLE II.—AGENCY THROUGH WHICH HOME WAS ESTABLISHED AND CONDITIONS OF ADMISSION—Concluded.

Marginal number.	Agency through which home was established.	Home for temporary or permanent residence.
32	First Church (Unitarian) of Boston.....	Permanent
33	New England Helping Hand Society	Permanent
34	The archbishop and ladies' societies.....	Both
25	Fall River Women's Union.....	Temporary
36	(a).....	Temporary
37	Young Women's Christian Association.....	Both
38	A group of women desiring to work for and with other women.....	Permanent
39	Catholic ladies of Detroit.....	Permanent
40	Five women and two men.....	Both
41	Young Women's Christian Association.....	Permanent
42	Woman's Christian Association of Minneapolis.....	Both
43	Woman's Christian Association of Minneapolis.....	Both
44	Christian women.....	Both
45	Sisters of Mercy.....	Both
46	Benevolent individual.....	Temporary
47	Women's Christian Association.....	Both
48	Women's Christian Association.....	Both
49	Women's Christian Association.....	Both
50	Committee of ladies of Brooklyn Woman's Club.....	Both
51	Home Association of Working Women and Girls.....	Both
52	Lecture by Grace Dodge.....	Both
53	Dr. J. A. B. Wilson.....	Temporary
54	Charles N. Crittenton, A. W. Dennett.....	Temporary
55	Woman's Society of the German Baptist Church.....	Both
56	Ladies' Christian Union.....	Both
57	Ladies' Christian Union.....	Both
58	Ladies' Christian Union.....	Both
59	Gift of Mrs. Elliott F. Shepard to the Young Women's Christian Association.....	Temporary
60	The Christian League and its president.....	Both
61	Girls' Club of St. Bartholomew's Church.....	Temporary
62	Episcopal Sisterhood.....	Temporary
63	Young Women's Christian Association of the French Evangelical Church.....	Temporary
64	Young Women's Christian Association.....	Both
65	Ladies' Society of Troy, N. Y.....	Permanent
66	Women's Christian Association.....	Temporary
67	Sisters of Mercy.....	Temporary
68	Episcopal Church of Cincinnati.....	Permanent
69	Miss M. McCabe, of Cincinnati.....	Both
70	Thoughtful Christian women.....	Permanent
71	Women's Christian Association.....	Both
72	(a).....	Temporary
73	Gifts of various people.....	Both
74	Woman's Christian Temperance Union.....	Both
75	Steubenville Central Woman's Christian Temperance Union.....	Temporary
76	Mrs. Dr. Henry W. Coe.....	Temporary
77	Portland Women's Union.....	Both
78	Gift of the property by Mrs. Felix R. Brunot to the Young Women's Christian Association.....	Both
79	Mrs. D. P. Fells, president, and Mrs. L. T. Scofield, vice president, Cleveland Christian Association.....	Both
80	Women's Christian Association of Germantown.....	Both
81	St. James's Guild for Girls.....	Permanent (b)
82	A society of women.....	Temporary
83	Women's Christian Association.....	Both
84	Young Women's Christian Association.....	Permanent
85	Young Women's Christian Association.....	Both
86	(a).....	Both
87	Annie F. Martin, Laura C. Lincoln, Frances M. White, Maria M. Benedict, Elisabeth E. Andrews.....	Both
88	Women's Christian Association.....	Temporary
89	Ladies of Dallas.....	Both
90	Ladies of Richmond.....	Both

a Not reported.

b Temporary boarders received when there is room.

BOARDING HOMES AND CLUBS FOR WORKING WOMEN. 189

TABLE II.—AGENCY THROUGH WHICH HOME WAS ESTABLISHED AND CONDITIONS OF ADMISSION—Concluded.

Age.	Conditions of admission.	Marginal number.
	Other.	
16 to 25 years	Earning less than \$8 per week or supporting some other member of family.	32
All ages	Good character; Protestant; earning less than \$6 per week.	33
15 to 40 years	Physically and mentally sound.	34
Over 12 years	Respectability.	35
Under 60 years	Good character.	36
All ages	Good character; preference given to self-supporting young women.	37
All ages	Self-supporting; Protestant.	38
15 to 30 years	References.	39
15 to 30 years	Unmarried; no home in Detroit; self-supporting or preparing for self-support.	40
All ages	Good character; self-supporting.	41
(a)	(a)	42
All ages	Obedience to rules of the home.	43
All ages	Good references as to character.	44
(a)	Unmarried; good character; working for a living.	45
12 to 50 years	Working for a living.	46
(a)	Good character; self-maintenance.	47
All ages	Good character.	48
(a)	Good references.	49
All ages	Good character; self-supporting.	50
(a)	Membership in Young Women's Christian Association.	51
Over 14 years	Good behavior; working for a living.	52
(a)	Self-supporting.	53
30 years and under	(a)	54
(a)	Good character.	55
(a)	Earning wages; unable to pay prices of usual boarding houses.	56
(a)	Earning wages; unable to pay prices of usual boarding houses.	57
(a)	Earning wages; unable to pay prices of usual boarding houses.	58
All ages	Self-supporting; Protestant; not house servants.	59
All ages	No requirements but desire and need.	60
Young women	Membership St. Bartholomew's Girls' Club; without families in the city.	61
Young women	Seeking employment or being temporarily homeless; credentials of capability and character.	62
All ages	Respectability; speak French; temporarily unemployed.	63
All ages	Good character; self-supporting.	64
Young women	Respectable character; working for a living.	65
(a)	Unmarried; respectability; desiring refined home suitable to their means.	66
7 years and over	Good character.	67
All ages; young women preferred.	Self-supporting on small salary.	68
14 to 30 years	Respectability.	69
Under 30 years	Good behavior; those whose need is greatest.	70
All ages; young women preferred.	Good character; references.	71
(a)	Honesty and respectability.	72
All ages	Good character.	73
All ages	Good character.	74
All ages	In need.	75
14 to 45 years	Good health; good reputation; without means.	76
(a)	Testimonials of character.	77
Young girls	Self-supporting.	78
All ages	Good character; willing obedience to rules of the home.	79
Under 25 years	Income not exceeding \$6 per week.	80
14 years and over	Working for a living.	81
All ages	Seeking employment, help, or shelter.	82
Young women preferred.	Self-supporting or preparing for self-support.	83
(a)	Good character; Protestant; references.	84
(a)	Good character; Protestant; self-supporting.	85
(a)	(a).	86
Over 18 years	Good character.	87
Young women	Unmarried.	88
(c)	Good references.	89
All ages	Good character; working for a living.	90

c Single, all ages; widows under 28.

TABLE III.—NUMBER OF BOARDERS AND SLEEPING ROOMS AND COST OF LIVING.

Marginal number.	Boarders.						Sleeping rooms.			Cost of living, etc.		
	That can be accommodated.	At time of report.	Now unemployed.	Average number.	Different ones during last year.	Different ones since establishment of home.	Single.	For two only.	For three or more.	Average per week, including room rent.	Are free meals served to the unemployed?	If not, are they served at a reduced rate?
1	36	16	9	20	325	(a)	-----	16	-----	\$2.50 to \$4.00	Yes....	
2	40	25	4	25	92	348	15	21	(a)	3.00	No....	No.
3	35	25	6	22	520	5,300	5	7	2	3.50 to 4.00	Yes (b c)	(e)
4	76	70	8	65	589	4,000	40	18	-----	3.50	Yes....	
5	65	65	12	(d)	1,100	4,000	10	30	-----	4.50	Yes (b)	
6	35	19	2	25	138	600	5	6	4	4.60	No....	No.
7	70	65	-----	50	100	e 2,000	4	40	-----	3.00	Yes (b)	
8	61	30	2	50	300	1,400	34	12	1	4.00	No....	Yes.
9	40	18	-----	20	379	1,850	24	3	3	2.45	Yes....	(f)
10	66	62	2	60	205	(a)	4	2	6	2.60	No....	No.
11	110	85	52	65	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)
12	27	25	1	22	42	225	3	2	7	3.00	No....	No.
13	40	22	18	35	900	5,250	4	4	8	2.50	Yes....	
14	300	190	5	250	3,500	(a)	96	63	(a)	3.00 to 6.00	No....	No.
15	25	20	12	20	300	2,400	(a)	4	4	3.00	Yes....	
16	14	6	-----	7	20	(a)	1	2	3	3.00	Yes (g)	
17	15	8	-----	12	25	e 60	2	7	-----	2.50	Yes (c)	(c)
18	23	19	-----	21	(a)	(a)	5	4	3	3.84	Yes (b c)	(c)
19	26	20	-----	20	175	800	-----	13	-----	3.00 to 3.50	Yes (b)	
20	35	20	2	20	50	300	5	3	5	2.00	No....	No.
21	30	12	5	6	(a)	(a)	(a)	30	2	2.50	Yes....	
22	30	30	-----	27	65	3,750	12	10	2	2.50	Yes....	
23	20	20	2	17	88	509	4	5	4	3.00	Yes....	
24	15	9	2	10	72	306	2	4	2	2.75	Yes....	
25	25	18	3	18	83	227	6	3	4	2.50	Yes (c)	(c)
26	30	27	1	27	50	1,100	2	11	2	2.75	No....	
27	18	10	3	12	28	(a)	5	4	2	h 2.50	Yes....	(h)
28	20	14	1	16	119	(a)	11	1	2	3.00	Yes (b)	
29	47	47	4	33	325	8,500	11	13	3	2.75 to 3.25	(i)	(i)
30	142	142	6	(a)	j 2,140	(a)	j 33	j 102	j 48	4.00	Yes (c)	(c)
31	180	180	8	(a)	(k)	(a)	(k)	(k)	(k)	4.00	Yes (c)	(c)
32	39	36	4	37	80	420	-----	5	10	3.50 to 4.00	No....	No.
33	21	21	3	20	75	700	1	3	4	3.00	No....	No.
34	155	135	50	140	1,695	7,662	30	26	21	2.60	Yes (c)	(c)
35	12	4	1	5	138	138	4	4	-----	m 1.00 to 3.00	(m)	(m)
36	26	20	1	20	30	(a)	2	-----	8	(a)	No....	No.
37	41	35	-----	35	438	(a)	3	16	2	3.25 to 5.00	Yes (b c)	(c)
38	85	78	3	80	142	355	17	20	8	3.75	No....	No.
39	40	24	7	30	337	(a)	-----	3	15	2.00	Yes....	
40	68	60	6	55	n 587	(a)	9	25	2	3.00	No....	No.
41	10	8	-----	9	(a)	(a)	-----	5	-----	3.15	No....	No.
42	70	39	(a)	65	205	(a)	-----	35	-----	3.50	No....	No.
43	30	18	-----	25	390	(a)	-----	7	5	2.00 to 3.00	No....	No.
44	130	50	3	50	300	(a)	30	15	8	3.25	Yes....	
45	45	35	30	35	1,231	(a)	45	3	4	2.50 to 3.50	(a)	(a)
46	30	16	3	22	120	(a)	-----	7	5	m 2.00	(m)	(m)
47	90	87	-----	62	552	9,840	10	36	3	3.00 to 3.50	Yes (b)	
48	40	33	-----	30	200	4,200	4	10	5	3.00 to 4.00	Yes (c)	(c)
49	30	15	5	10	100	600	4	1	1	3.00 to 4.00	No....	No.
50	42	36	-----	38	(a)	(a)	36	3	-----	4.75 to 6.00	No....	No.
51	19	18	1	18	30	152	4	6	1	3.00	No....	No.
52	29	29	2	29	(a)	5,000	1	1	10	3.10	(o)	(o)
53	31	31	-----	31	105	307	3	3	6	2.50 to 3.06	Yes....	No.
54	20	20	5	14	167	671	2	4	3	2.95	Yes....	
55	20	(a)	(a)	(a)	247	374	2	(a)	3	3.00	No....	(a)

a Not reported.

b In special cases.

c Are also served at reduced rate.

d In dining room, 220 per day.

e Not including transients.

f Rates vary according to wages earned.

g On promise of future payment.

h Those on half time pay half board.

i Paid for out of special fund.

j Including number in Warrenton Street Home.

k Included in Berkeley Street Home.

l From August 1, 1896, to April 30, 1897.

m No meals served; lodgings only.

n For 10 months.

o At discretion of superintendent.

BOARDING HOMES AND CLUBS FOR WORKING WOMEN. 191

TABLE III.—NUMBER OF BOARDERS AND SLEEPING ROOMS, ETC.—Concluded.

Mar- ginal num- ber.	Boarders.						Sleeping rooms.			Cost of living, etc.		
	That can be accom- mo- dated.	At time of re- port.	Now unem- ployed.	Aver- age num- ber.	Differ- ent ones during last year.	Differ- ent ones since estab- lish- ment of home.	Single.	For two only.	For three or more.	Average per week, includ- ing room rent.	Are free meals served to the unem- ployed?	If not, are they served at a re- duced rate?
56	85	70	10	70	(a)	(a)	(a)	(a)	(a)	\$3.00 to \$5.00	Yes (b).	
57	28	25	-----	30	(a)	(a)	8	-----	10	3.00 to 5.00	Yes (b).	
58	45	30	-----	33	(a)	(a)	(a)	14	5	3.00 to 5.00	Yes (b).	
59	120	108	(a)	103	6,057	27,764	46	31	-----	7.00	No.....	No.
60	60	45	15	45	648	(a)	13	5	3	2.50 to 4.00	Yes (b).	
61	25	23	3	20	90	110	2	2	5	3.50	No.....	No.
62	45	41	41	30	500	7,285	6	2	5	3.50	Yes.....	
63	30	18	18	15	264	2,400	4	4	3	4.00	No.....	No.
64	18	17	3	12	(a)	(a)	(a)	(a)	(a)	3.00	No.....	No.
65	57	57	2	(c)	(a)	(a)	57	-----	-----	4.00 to 5.00	No.....	No.
66	20	9	(a)	12	28	638	16	3	(a)	3.00	Yes (b).	
67	60	43	34	50	(a)	1,200	4	2	3	1.00 to 2.00	Yes.....	
68	16	13	3	12	d 48	d 48	-----	2	4	3.00	No.....	No.
69	75	75	40	25	600	6,000	5	7	13	2.00 to 3.00	Yes.....	
70	14	11	1	12	16	(a)	2	2	3	3.00	Yes.....	
71	55	40	1	43	400	(a)	1	28	1	3.00	(e)	(e)
72	40	37	3	30	220	450	17	4	3	2.75	Yes.....	
73	f 50	20	2	30	(a)	(a)	2	6	3	2.75	Yes (b).	
74	17	10	-----	14	65	150	-----	1	5	2.50	Yes.....	
75	13	4	-----	(a)	(a)	(a)	5	4	-----	(a)	(g)	(g)
76	15	(a)	(a)	(a)	320	700	3	2	1	1.55	Yes.....	
77	48	22	-----	(a)	18	(a)	2	24	1	2.50 to 7.00	No.....	No.
78	22	22	-----	20	35	(a)	-----	2	5	3.50	No.....	No.
79	16	5	-----	11	35	68	-----	5	2	2.50 to 3.00	Yes (b).	
80	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)	(a)
81	12	11	2	7	44	44	2	2	2	3.50	No.....	No.
82	25	25	14	27	(a)	(a)	-----	7	4	(a)	Yes.....	(h)
83	250	197	5	190	465	(a)	137	69	(a)	3.00 to 5.00	Yes.....	
84	46	46	-----	46	(a)	(a)	3	2	14	5.00	No.....	Yes.
85	30	30	-----	28	(a)	(a)	(a)	(a)	1	i 1.15 to 2.75	(i)	(i)
86	125	103	18	70	(a)	(a)	78	4	3	3.00	Yes.....	
87	58	29	-----	50	423	(a)	17	23	-----	3.00 to 4.00	Yes (b).	
88	55	40	4	35	112	900	6	2	11	1.15	Yes.....	
89	40	20	2	18	(a)	(a)	3	(a)	14	1.15	Yes.....	
90	40	27	1	23	172	664	-----	8	7	2.00	No.....	Yes.

a Not reported.

b In special cases.

c Over 100 served with meals.

d For 5 months.

e At discretion of superintendent.

f Including day boarders.

g Those served are allowed to assist with the work for payment.

h Meals and lodgings also furnished at 10 cents each.

i No meals served; lodgings only.

TABLE IV.—RECEIPTS AND EXPENDITURES FOR THE LAST FISCAL YEAR.

Mar- ginal num- ber.	Receipts.				Expenditures.					
	Board, room rent, and meals.	Fees, dues, and other charges to in-mates.	Other sources.	Total.	Rent.	Food.	Salaries and wages.	Furni- ture and repairs.	All other purposes.	Total.
1	\$854.65		\$3,015.34	\$3,669.99		\$3,015.36	\$300.00	\$165.15	\$789.18	\$4,209.69
2	3,547.40	\$234.50	168.26	3,950.16		1,655.05	1,197.00	128.85	969.26	3,950.16
3	3,115.20		5,877.73	8,992.93	\$900.00	1,409.80	882.40	166.20	5,002.20	9,020.60
4	6,647.58	382.89	10,325.81	17,356.28		8,268.15	6,375.65	508.65	2,255.60	17,408.05
5	15,557.69	977.87	1,120.60	17,656.16	3,024.00	7,340.04	4,772.80	420.04	2,103.94	17,680.62
6	3,554.30	171.00	1,297.25	5,022.55	1,020.00	2,125.02	569.76	700.00	607.77	5,022.55
7	8,794.22			8,794.22		6,157.99	2,239.07	300.16	97.00	8,794.22
8	9,177.29	269.35	8,282.62	12,729.26		4,966.20	2,555.95	706.26	2,124.32	10,352.73
9	(a)	(a)	(a)	4,572.44		(b)	1,028.00	(b)	3,395.90	4,423.90
10	7,387.06		1,239.61	8,626.66		4,006.08	2,053.00	647.10	1,287.74	7,993.92
11	(d)	(d)	(d)	(d)		(d)	(d)	(d)	(d)	(d)
12	4,000.85	219.52	410.00	4,630.37	840.00	2,131.04	799.00	20.70	689.34	4,680.08
13	2,145.30		111.40	2,256.70	720.00	(b)	(b)	(b)	1,522.72	2,242.72
14	24,583.38	(a)	11,314.64	35,898.02		7,109.87	4,737.22	9,695.93	50,346.24	71,789.26
15	2,355.33			2,355.33	900.00	(b)	(b)	(b)	1,455.33	2,805.33
16	920.88		375.63	1,296.51	240.00	522.41	310.50	64.33	157.84	1,295.38
17	700.00	500.00	757.44	1,957.44	1,156.00	570.00	650.00	120.00	356.00	1,852.00
18	3,158.75	713.50	1,204.76	5,077.01	855.50	1,586.48	1,285.75	320.92	1,648.02	5,096.67
19	3,625.26		378.84	4,004.10	960.00	1,783.90	760.05	168.62	322.12	3,994.69
20	1,143.50		200.00	1,343.50		500.00	600.00	150.00	50.85	1,300.85
21	(d)	(d)	(d)	(d)		(a)	(a)	(a)	(a)	1,000.00
22	3,650.00			3,650.00		4,760.00	800.00	9.00		5,559.00
23	2,157.37		676.64	2,834.01		1,685.29	724.40	151.54	421.32	2,982.55
24	724.68	120.88	1,181.87	2,028.83		727.17	643.17	84.03	443.07	1,897.44
25	1,300.80		1,148.90	2,449.70	(j)	1,089.85	83.85	125.00	151.00	1,449.70
26	2,297.05		497.00	2,794.05		1,519.69	632.50	420.66	311.00	2,883.85
27	404.00		400.00	804.00		800.00	210.00	50.00		1,060.00
28	1,863.10		719.22	2,582.32		1,745.68	(i)	353.01	509.95	2,604.61
29	4,759.65		4,127.42	8,887.07	m 300.00	4,275.00	2,804.96	832.47	1,174.64	8,887.47
30	30,704.59		6,000.63	36,705.22		20,032.10	19,528.15	13,141.70	13,061.48	36,663.43
31	32,820.04		472.31	33,292.35		16,169.97	8,046.72	2,958.88	5,501.64	32,676.71
32	7,990.54		2,739.83	10,730.37	2,200.00	4,745.43	2,656.21	235.47	1,055.09	10,892.20
33	2,201.49		1,853.42	4,054.91		2,203.28	982.00	100.00	886.03	4,121.31
34	17,201.80	18.00		17,219.80		11,362.33	2,313.17	553.26	2,970.04	17,218.80
35	p 212.50		p 210.50	p 423.00	p 162.00	(p q)	p 161.22	p 30.06	p 39.17	p 392.45
36	1,629.24		2,482.64	4,111.88		1,069.12	1,542.18	190.19	663.94	3,494.78
37	5,726.58	88.57	7,177.54	12,992.69		2,970.33	3,298.45	1,736.71	4,065.13	12,070.62
38	20,510.83		10,334.94	30,845.77		6,932.31	8,624.33	4,950.15	13,027.58	33,534.37
39	1,983.02		1,065.44	3,048.46	600.00	1,254.09	805.57	1,123.81		3,782.97
40	7,710.92		450.00	8,160.92		3,327.60	2,628.00		790.00	6,745.60
41	787.70			787.70		(d)	(d)	(d)	(d)	(d)
42	10,094.57		99.50	10,194.07		5,770.14	2,345.50	491.10	1,914.04	10,520.78
43	2,949.89	118.00	295.00	3,362.89	882.50	1,190.15	858.00	35.00	351.60	3,317.29
44	7,402.60		7,202.46	14,605.06	1,200.00	(b)	(b)	(b)	13,417.65	14,617.65
45	(d)	(d)	(d)	(d)		(d)	(d)	(d)	(d)	(d)
46	700.00	2,000.00	500.00	3,200.00	780.00	(g)	720.00	600.00	500.00	2,600.00
47	12,316.49		36.25	12,352.74		6,653.19	2,798.01	313.35	2,166.64	11,931.19
48	10,863.90		6,362.76	17,226.66	2,503.20	9,434.02	4,394.59		696.74	17,028.55
49	(d)	(d)	(d)	(d)	720.00	(d)	(d)	(d)	(d)	(d)
50	9,358.32		128.31	9,486.63		4,278.47	2,047.00	1,708.51	2,375.21	10,409.19
51	2,696.17		659.78	3,355.95	200.01	2,000.09	1,164.50	430.10	662.50	4,457.20
52	7,914.29	512.00	826.58	9,252.87	1,000.00	4,182.55	934.81	1,000.00	1,691.02	8,808.38
53	(d)	(d)	(d)	(d)		(d)	(d)	(d)	(d)	(d)
54	925.13		18.24	943.37	(j)	706.04	401.32		535.64	1,643.00
55	(d)	(d)	(d)	(d)	600.00	(d)	(d)	(d)	(d)	(d)

a Not separately reported.

b Included in expenditures for all other purposes.

c Including expenditures for food and furniture and repairs, and \$612.52 interest on loan.

d Not reported.

e Including expenditures for food, salaries and wages, and furniture and repairs.

f Including \$4,000 borrowed money and \$4,526.27 donated.

g Including \$16,592.53 paid on new building and \$5,825.83 interest on loan.

h For lodging house.

i Including \$125 donated in furniture and repairs.

j Rent donated.

k Including salaries and wages.

l Included in food.

m For Branch Home.

n Including expenditures for training school for domestics and for religious work.

o Including \$2,000 paid on mortgage.

p From August 1, 1896, to April 30, 1897.

q No meals served; lodgings only.

r Including \$617.50 interest and \$1,000 paid on mortgage.

s For 3 months; rent free for 2 years.

BOARDING HOMES AND CLUBS FOR WORKING WOMEN. 193

TABLE IV.—RECEIPTS AND EXPENDITURES FOR THE LAST FISCAL YEAR—Concluded.

Marginal number.	Receipts.				Expenditures.					
	Board, room rent, and meals.	Fees, dues, and other charges to inmates.	Other sources.	Total.	Rent.	Food.	Salaries and wages.	Furniture and repairs.	All other purposes.	Total.
56	\$13,304.38			\$13,304.38		\$8,329.09	\$2,534.96	\$382.42	\$3,785.99	\$15,032.46
57	5,777.22			5,777.22		2,955.66	948.00	205.05	714.82	4,883.53
58	6,306.83			6,306.83		2,890.41	1,186.00	350.64	910.91	5,337.96
59	87,942.94	\$817.89	\$6,500.00	95,260.83		43,968.77	31,903.53	6,500.00	12,885.23	95,257.53
60	(c)	(c)	(c)	6,247.74		(c)	(c)	(c)	(c)	5,477.99
61	(d)	(d)	(d)	(d)	\$1,500.00	(d)	900.00	(d)	(d)	(d)
62	2,339.94		4,079.25	6,419.19	3,600.00	1,590.82	1,285.35	207.33		6,683.50
63	2,654.85		433.23	3,088.08		(e)	2,678.85	98.73	502.25	3,279.33
64	(d)	(d)	(d)	(d)		(d)	(d)	(d)	(d)	(d)
65	10,252.41	285.00	2,278.24	12,815.65		10,000.00	2,595.25		4,404.75	17,000.00
66	1,254.00		300.00	1,554.00		(d)	300.00	2,340.00	(d)	(d)
67	700.00		152.00	852.00		360.50	75.80	101.60	278.10	825.00
68	\$602.80		\$651.36	\$1,254.16	\$275.00	\$303.92	\$219.20	\$75.96	\$97.39	\$871.47
69	(d)	(d)	(d)	(d)		(d)	(d)	(d)	(d)	(d)
70	1,822.75		1,617.45	3,440.20		2,480.00	1,105.25	64.35	346.65	3,996.25
71	7,301.14			7,301.14		4,164.95	1,736.92	696.46		7,281.01
72	(d)	(d)	(d)	(d)		(d)	(d)	(d)	(d)	(d)
73	2,450.81		627.74	3,078.55		(c)	(c)	(c)	(c)	3,372.76
74	1,298.31		184.46	1,482.77	288.00	851.01	148.60	24.36	170.28	1,482.25
75	447.52	(d)	(d)	(d)	180.00	(d)	(d)	(d)	(d)	(d)
76	30.00	120.00	830.00	980.00	180.00	180.00	200.00	10.00	60.00	650.00
77	3,138.29		1,083.55	4,221.84		1,478.19		29.29	2,608.44	4,115.92
78	3,438.97		365.00	3,803.97		2,433.74	767.01	219.20	203.14	3,623.09
79	1,419.44	(d)	(d)	(d)	480.00	(i)	(i)	100.00	1,194.33	1,774.33
80	1,142.01		929.07	2,071.08		1,196.18	300.00	136.14	207.12	1,839.44
81	926.85		292.35	1,219.20	336.00	(i)	(i)	(i)	\$945.60	1,281.60
82	2,876.78		1,240.80	4,117.58		(i)	460.00	(i)	23,578.14	4,038.14
83	53,652.70		21,107.04	74,759.74		22,462.14	16,510.93	6,291.21	27,558.23	72,822.51
84	14,268.33	1,697.00	4,945.59	20,910.92	\$2,422.05	8,142.54	6,738.75	816.81	2,888.65	21,008.80
85	1,420.45	42.25	492.73	1,955.43		(n)	852.00	107.26	973.24	1,932.50
86	6,788.23		5,293.51	12,081.74		344.91	1,182.00	4,969.54	2,117.67	8,614.12
87	6,653.97		2,068.50	8,722.47		4,921.04	708.00	391.43	3,411.60	9,432.07
88	2,700.00	319.13		3,019.13		2,100.00	810.00	50.00		2,960.00
89	1,875.90	582.53		2,458.43		700.00	456.00	(d)	(d)	(d)
90	2,518.73		668.42	3,187.15		1,557.73	714.00		1,064.68	3,336.41

a Including receipts from laundry conducted by the home.

b Gift of Mrs. Elliott F. Shepard for repairs and replenishings.

c Not separately reported.

d Not reported.

e Included in salaries and wages.

f Including food.

g Remodeling building.

h From January 8, 1897, to June 12, 1897.

i Included in expenditures for all other purposes.

j Including expenditures for food and salaries and wages.

k Including expenditures for food, salaries and wages, and furniture and repairs.

l Including expenditures for food and furniture and repairs.

m Including water tax.

n No meals served; lodgings only.

TABLE V.—OCCUPATIONS OF INMATES.

[The number of inmates as shown in this table does not agree in every case with the number shown in Table III, for the reason that the number shown here often includes all the different persons who were in the home during the year.]

Marginal number.	Occupations pursued by inmates and number in each.
1	Bookkeepers, cooks, dressmakers, milliners, second girls, shirt makers, students, etc. (a)
2	Domestics, 7; dressmakers, 2; elocutionist, 1; nurses, 2; saleswomen, 6; stenographers, 2; students, 2; teachers, 3.
3	Bookkeepers, domestics, dressmakers, factory employees, hairdressers, housekeepers, nurses, shopgirls, teachers, typewriters. (a)
4	Bookkeepers, canvassers, cooks, dressmakers, maids, saleswomen, second girls, stenographers, teachers. (a)
5	Artist, 1; bookkeepers, 5; cashiers, 3; clerks, 3; cooks, 2; domestics, 10; dressmakers, 6; housekeepers, 2; laundry employee, 1; manicurist, 1; massagists, 3; nurses, 8; physicians, 2; stenographer, 1; teachers, 5; teachers, elocution, 2; waitresses, 7; no occupation, 4.
6	Bookkeepers, 2; cashier, 1; nurse, 1; saleswomen, 2; stenographers, 2; students, 3; teachers, school, 7; superannuated, 1.
7	Bookbinders, 3; clerks, 14; compositors, 5; demonstrators, 2; dressmakers, 8; hairdresser, 1; machine operators, 11; milliners, 10; proof reader, 1; seamstresses, 3; stenographers, 5; telegraph operator, 1; telephone operator, 1.
8	Bookkeepers, 3; clerk, 1; exchange attendant, 1; manicurist and shampooer, 1; milliner, 1; nurses, 3; proof reader, 1; reporter, 1; scholars, 5; seamstress, 1; shopgirls, 2; stenographers, 2; teachers, 4; telegraph operators, 2.
9	Chambermaids, 2; dressmakers, 3; lady's maid, 1; milliners, 2; missionary, 1; photographer, 1; seamstresses, 2; tailresses, 2; teachers, 3; telegraph operator, 1; typewriters, 4.
10	Bookkeepers and stenographers, 25; clerks, 26; factory employees, 3; milliners, 3; seamstresses, 3.
11	Occupations not reported.
12	Bindery employees, 5; domestics, 3; factory employees, 3; laundry employees, 2; office employees, 2; saleswomen, 2; seamstress, 1; shoe operative, 1; stenographer, 1; teacher, elocution, 1; teachers, kindergarten, 3; teacher, school, 1.
13	Cashiers, domestics, factory employees, typewriters. (a)
14	Clerks, stenographers, students, art and music, teachers, etc. (a)
15	Domestics, nurses, children's, and for the sick, office employees, seamstresses, stenographers. (a)
16	Clerks (b); factory employees (b); physician, 1; scholars (b); seamstresses (b).
17	Bookkeepers, 2; clerks, 4; dressmakers, 5; factory employees, 7; milliners, 5; nurses, 4; scholars, 7; stenographers, 5; students, art, 13; teachers, 8.
18	Agents, bookkeepers, domestics, embroiderers, laundry employees, milliners, notaries public, nurses, saleswomen, saleswomen, travelling, seamstresses, stenographers, teachers. (a)
19	Clerks, 3; stenographers, 9; students, business college, 6; students, kindergarten, 2.
20	Factory employees (b); scholars, 6; teachers, 16.
21	Occupations not reported.
22	Bookkeepers and stenographers, 6; dressmakers, 7; saleswomen, dry goods, 15; shirt maker, 1; vest maker, 1.
23	Bindery employee, 1; clerks, 8; confectionery employee, 1; domestic, 1; milliners' apprentices, 3; scholars, 3; shoe-factory employee, 1; no occupation, 2.
24	Bookkeepers, 2; canvasser, 1; mill employees, 3; milliner, 1; nurses, 2; saleswoman, 1; saleswoman, soliciting, 1; shirt-factory employees, 4; shoe-factory employee, 1; shopgirl, 1; teachers, school and music, 6; weavers, 2.
25	Domestics, 6; dressmakers, 3; hat maker, 1; housekeeper, 1; saleswoman, 1; seamstresses, 4; tailresses, 1; typewriter, 1.
26	Dressmakers, 6; factory employees, 11; saleswomen, 2; students, medical, 3; students, normal, 5.
27	Clerks, dressmakers, factory employees, seamstresses, stenographers. (a)
28	Artists, bookkeepers, cashiers, dressmakers, factory employees, fancy workers, florists, hairdressers, milliners, mission workers, scholars, stenographers, teachers, kindergarten, etc. (a)
29	Bookkeepers, 2; cashier, 1; cook, 1; domestics, 2; dressmakers, 8; factory employees, 7; hairdresser, 1; milliner, 1; nurse, child's, 1; nurse, trained, 1; saleswomen, 5; stenographer, 1; students, 7; teachers, 3; typewriter, 2; waitress, 1.
30	Bookkeepers, cashiers, chiropodists, clerks, compositors, dressmakers, factory employees, forewomen, fur workers, hairdressers, manicurists, massagists, milliners, proof readers, retouchers, saleswomen, seamstresses, stenographers, straw workers, students, tailresses, teachers, telephone operators. (a c)
31	Occupations included in those given for home No. 30.
32	Bookkeepers, 7; factory employees, 3; forewomen, factory, 2; saleswomen, 5; seamstresses, 7; stenographers, 2; students, 6; waitress, 1.
33	Chiropodist, 1; clerks and saleswomen, 5; dressmakers, 4; office employees, 3; stenographer, 1; students, 4; no occupation, 1.
34	Bookkeepers, 5; clerks, 8; compositors, 5; cooks, 42; designers, 2; domestics, 6; housekeepers, 4; milliners, 9; nurses, 6; parlor maids, 10; seamstresses, 32; students, elocution, 4; students, music, instrumental, 7; students, music, vocal, 5; students, typewriting, 4; tailresses, 8; teachers, 6; no occupation, 6.
35	Teachers, traveling agents, etc. (a)
36	Clerks, students, normal, etc. (a)
37	Bookkeepers, 4; clerks, 9; milliners, 2; seamstresses, 6; stenographers, 5; students, 2; teachers, 3; telegraph operator, 1; telephone operators, 3.
38	Agent, 1; bookkeepers, 9; box maker, 1; card clothier, 1; clerks, 8; compositor, 1; dressmakers, 6; examiners, 3; forewoman, threadmakers, 1; librarian, 1; milliners, 3; polisher, 1; seamstresses, 3; stenographers, 7; stitchers, 9; students, 10; teachers, 8; telephone operator, 1; weaver, 1.

a Number in each occupation not reported.
b Number not reported.

c Including home No. 31.

BOARDING HOMES AND CLUBS FOR WORKING WOMEN. 195

TABLE V.—OCCUPATIONS OF INMATES—Continued.

Marginal number.	Occupations pursued by inmates and number in each.
39	Bookkeepers, 2; clerks, 21; domestics, 234; dressmakers, 16; nurses, 10; students, 3; teachers, 3; telephone operators, 8; travelers, 5; typewriters, 5.
40	Bookbinders, bookkeepers, candy makers, canvassers, clerks, compositors, domestics, dressmakers, elocutionists, factory employees, fur sowers, governesses, hairdressers, housekeepers, laboratory employees, milliners, missionaries, nurses, office employees, physicians, saleswomen, saleswomen, traveling, seamstresses, stenographers, students, students, music, tailoresses, teachers, teachers, kindergarten, teachers, music, telegraph operators, telephone operators, typewriters, umbrella makers. (a)
41	Clerks, 2; dressmaker, 1; seamstresses, 2; stenographers, 2; teacher, music, 1.
42	Occupations not reported.
43	All occupations open to women.
44	Bookkeepers, 5; nurses, 4; saleswomen, 12; servants, 3; shopgirls, 6; stenographers, 20; miscellaneous, 4.
45	Cooks, domestics, factory employees, seamstresses, store employees. (a)
46	Clerks, 2; domestics, 6; milliners, 4; seamstresses, 5; typewriters, 3; waitresses, 2.
47	Nearly all occupations open to women except domestic service.
48	Nearly all occupations open to women.
49	Cooks, 2; nurses, 4; stenographers, 4; tailoress, 1.
50	Dressmakers, stenographers, students, art, teachers, typewriters, etc. (a)
51	Canvassers, compositors, dressmakers, saleswomen, stenographers, students, typewriters, etc. (a)
52	Bookkeepers, 4; clerks, 2; cooks, 2; dressmakers, 4; nurses, 6; stenographers, 5; waitresses, 4.
53	Laundry employees, machine operators, maids, office clerks, seamstresses, shopgirls, typewriters, etc. (a)
54	Cashier, 1; chambermaid, 1; cook, 1; domestics, 4; dressmaker, 1; fancy worker, 1; milliner, 1; photographer, 1; solicitor, 1; stenographers and typewriters, 3; upholsterer, 1; waitresses, 4.
55	Occupations not reported.
56	Artists, saleswomen, seamstresses, students, teachers. (a)
57	Artists, saleswomen, seamstresses, students, teachers. (a)
58	Artists, saleswomen, seamstresses, students, teachers. (a)
59	Actresses, 11; agents, 74; agents, real estate, 2; architects, 3; artists, 158; assayer, 1; boarders, 90; bookbinder, 1; bookkeepers, 89; box makers, 4; cashiers, 7; cataloguers, 4; chaperons, 6; china painters, 17; clerks, 192; cloak makers, 3; collar makers, 3; companions, 43; compositors, 6; confectioners, 4; copyists, 10; deaconesses, 2; designers, 14; dressmakers, 436; editors, 11; electrician, 1; elocutionists, 9; embroiderers, art, 19; fancy workers, 40; farmers, 7; feather curlers, 4; florists, 3; forewomen, 2; fruit grower, 1; glove maker, 1; governesses, 62; hairdressers, 11; hatters, 2; hotel keepers, 6; housekeepers, 171; illustrator, 1; janitress, 1; journalists, 29; lace workers, 6; lawyers, 6; lecturers, 15; librarians, 39; literary workers, 21; maids, 12; manicurists, 3; manufacturers, 8; massagists, 4; matrons, 54; merchants, 44; mill operators, 3; milliners, 639; missionaries, 37; mission workers, 14; musicians, 24; nurses, 98; nurses, trained, 147; organists, 12; pharmacists, 3; photographers, 5; physicians, 70; postmistresses, 53; proof readers, 9; readers, 2; reporters, 2; saleswomen, 45; sculptor, 1; seamstresses, 53; secretaries, 46; singers, 33; stenographers, 216; students, 208; students, art, 15; students, medical, 6; superintendents, 38; teachers, 1,710; teachers, art, 16; teachers, cooking, 3; teachers, kindergarten, 44; teachers, music, 152; teachers, vocal, 29; telegraph operators, 9; travelers, 449; typewriters, 9; umbrella makers, 3; violinist, 1; weaver, 1; wood carver, 1.
60	Artists, canvassers, clerks, collectors, companions, delegates to organizations, nurses, children's, nurses, trained, seamstresses, superannuated, teachers. (a)
61	Cashiers, clerks, dressmakers, governesses, ladies' maids, milliners, nurses, trained, saleswomen, students, teachers, telegraph operators, etc. (a)
62	Occupations not reported.
63	Chambermaids, 16; cooks, 7; domestics, 9; housekeepers, 2; laundress, 1; ladies' maids, 76; nursery governesses, 33; nurses, 79; seamstresses, 2; teachers, 16; waitresses, 2; miscellaneous, 21.
64	Clerks, 4; matron, 1; missionary, 1; secretary Travelers' Aid Society, 1; secretary Young Women's Christian Association, 1; superintendent woolen mill, 1; tailoress, 1; telephone operator, 1.
65	Dressmakers, milliners, nurses, seamstresses, shirt and collar makers, teachers, etc. (a)
66	Bookkeepers, 2; seamstresses, 3; stenographer, 1; teachers, kindergarten, 3; etc.
67	Laundresses and domestics, 15; scholars, 19; seamstresses, 9.
68	Agent, corset, 1; companions, 2; milliners, 2; proof reader, 1; stenographers, 2; students, music and art, 4; teacher, kindergarten, 1.
69	All occupations filled by women.
70	Bookkeeper, 1; clerks, 4; seamstress, 1; stenographers, 4; student, music, 1.
71	Clerks, 7; domestics, 34; dressmakers and seamstresses, 8; milliners, 24; stenographers and bookkeepers, 22; students, 20; teachers, 8; telegraph operators, 2.
72	Domestics (b); dressmakers, 4; engraver, 1; factory employees (b); nurses, trained, 2; scholars, 2; stenographers, 2; telephone operators, 2.
73	Bookkeepers, factory employees, shopgirls, stenographers, students. (a)
74	Dressmaker, 1; pottery employees, 5; tailoresses, 2; teachers, school, 2.
75	Domestics, seamstresses, etc. (a)
76	Cooks, domestics, dressmakers, general workers, nurses for the sick and for children, seamstresses, waitresses, etc. (a)
77	Bookkeepers (b); cashiers (b); dressmakers, 3; milliners (b); nurses (b); saleswomen (b); stenographer, 1; student, 1.

a Number in each occupation not reported.

b Number not reported.

TABLE V.—OCCUPATIONS OF INMATES—Concluded.

Mar- ginal num- ber.	Occupations pursued by inmates and number in each.
78	Dressmaker, 1; electric light company employee, 1; milliner, 1; saleswomen, 7; stenographers, 7; tailoress, 1; teacher, kindergarten, 1; tobacco-factory employees, 3.
79	Bookkeepers, canvassers, clerks, copyists, dressmakers, forewomen, bakeries and stores, milliners, stenographers, typewriters. (a)
80	Occupations not reported.
81	Agent, 1; chambermaid, 1; clerks, 4; deaconess, 1; domestic, 1; governesses, 4; housekeepers, 7; ladies' maids, 2; laundress, 1; milliners, 2; nurses, 3; nurse, child's, 1; nurse for the sick, 1; nurses, trained, 5; seamstress, 1; stenographers, 2; teachers, 4; teacher, music, 1; waitresses, 2.
82	Domestics, nurses, saleswomen, seamstresses, typewriters, etc. (a)
83	Artists, 5; bookbinders, 3; bookkeepers, 13; cashiers, 3; dressmakers, 65; factory employees, 26; folder, 1; hairdressers, 3; librarians, 4; massagists, 4; milliners, 13; missionaries, 8; office employees, 9; saleswomen, 68; seamstresses, 12; stenographers, 83; students, art, business, dental, domestic science, dressmaking, kindergarten, medical, massage, millinery, music, pharmacy, 94; teachers, 23; telegraph operators, 2; United States mint employees, 5; miscellaneous, 44.
84	Bookkeepers, clerks, nurses, stenographers, students, teachers, typewriters, etc. (a)
85	Domestics, dressmakers, clerks, nurses, seamstresses, teachers, typewriters. (a)
86	Occupations not reported.
87	Bookkeepers, clerks, dressmakers, milliners, stenographers, students. (a)
88	Bookkeepers, canvassers, dressmakers, nurses, trained, pants makers, seamstresses, shirt makers, stenographers, typewriters. (a)
89	Clerks, stenographers, teachers, typewriters, etc. (a)
90	Dressmakers, factory employees, milliners, saleswomen, stenographers, teachers, school. (a)

a Number in each occupation not reported.

THE TRADE-UNION LABEL.

BY JOHN GRAHAM BROOKS.

No sign of a trade-union label has been found by the writer earlier than 1874. It appears to be wholly of American origin, nor is any evidence at hand that unions elsewhere, except in Canada, show special interest in it. (a) The chief reason for its adoption here is doubtless in the intenser and more embarrassing forms of competition under which labor unions suffer. Many devices, both good and bad, to which the American trade union has been driven, find their origin in the exigencies of this severer competition. If the distinctively race element is included, no single factor in this competition is so powerful as that of immigration. It is not merely a question of numbers. It is not merely a question of multitudinous unskilled labor. It is also a question of race. All *a priori* theories of liberty and brotherhood yield quickly before the actual competition of different standards of living in a common market.

The Australian trade unions were powerful enough practically to exclude the "yellow race." The unions there, as in England, are overwhelmingly of the same race. This fact makes the competitive struggle relatively a simple one. The attempt to understand the American trade union is incomparably more perplexing because of the racial effects. The constant pressure, through immigration, of a great multitude of half-skilled laborers, representing far lower standards of life and at the same time introducing race antagonisms, has driven the trade union in this country to catch at every weapon of defense. The label is one of these weapons. Its first appearance was in California during the "sand lot" agitation against the Chinese. The Burlingame treaty with China was concluded July 28, 1868. In article 5 both countries "cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects respectively from one country to the other for the purposes of curiosity, of trade, or as permanent residents." This hospitable mood was of short duration. In this same year (1868) 11,085 Chinese landed on the Pacific Coast. In 1872 a San Francisco firm of cigar makers took on a number of Chinese. The number which came into direct competition with the work of any trade union must have been slight, except perhaps with the cigar makers, yet, as with the insignificant product of prison labor, it aroused instant hostility.

^a The subject of the label in England seems first to have come up at the Trade Union and Cooperative Congress in 1893. It had favorable recognition and the felt
¹ ^a have adopted it.

Much of the more recent State legislation concerning the label throws light upon its origin, as in Illinois, where it is held that a label upon cigars showing them to have been "made by a first-class workman, a member of an organization opposed to inferior, rat-shop, cooly, prison, or filthy tenement-house workmanship" is legal, etc. Against the rat-shop, cooly-made cigars the California cigar makers first struck. But how should a sympathizing public know which were rat-shop and cooly-made cigars, and which the product of "American labor with its superior standard?" To meet this practical difficulty a label was adopted, not the blue label in present use, but a white one, to show the buyer that he was patronizing white labor. It was thus against the competition of a low-class unorganized labor that this weapon of the label was first directed. Its appeal was to the smoker: "Buy no cigars except from the box marked with the trade-union label, thus you help maintain the white as against the cooly standard of life and work."

In 1875 another label appeared in St. Louis during a strike of the cigar makers against a reduction of wages. The color was changed from white to red. The fight was, however, strictly over the issue of organized and unorganized labor. Both were putting cigars upon the market. The trade union wished in this instance to win the support of the consumer for a product made under union conditions. To show this a red label was used. There was at least success enough in this attempt to cause the counterfeiting of this label, upon which the trade union placed on the label its own seal. At that time there was no thought of legal protection against counterfeiting. At the convention held in Chicago, 1880, a dispute arose between delegates from the Pacific Slope and those from St. Louis as to the color of the label. "Let us," said an Eastern delegate, "take the other color on the flag," upon which the present blue label was adopted.

At this convention great stress was laid upon the fact that the unions were suffering not only from Chinese labor, but from the competition of the prisons and the tenement house. A further and more systematic use of the label was urged in order to strengthen the cause of the union against such competition.

The Cigar Makers' Union has grown against great difficulties into an organization of such power and effectiveness, that a brief account of it seems here in place, especially since the label plays so important a part in its history during the last 17 years. The first union was formed in 1851 in Baltimore. It ceased to exist within six months, largely from internal dissensions. In 1859 another was formed. It, too, failed after some ten months from the same causes. In 1864 the National Union was organized in New York City. The objects are thus stated in the first constitution: "To facilitate the thorough organization of the trade it represents for mutual benefit and protection; to secure cooperation

whenever it may be required, and to decide all differences that may arise between local unions." At the second convention (1865) several new unions were added. The gain was steady until the panic of 1870. The membership, which had grown to 5,800 in 1869, fell to 3,771 in 1873. After 1877 the gain in local unions was as follows:

September, 1877	17	September, 1887	259
September, 1879	35	September, 1889	270
September, 1880	74	September, 1891	291
September, 1881	126	September, 1893	316
September, 1883	183	September, 1896	350
September, 1885	191		

The official journal (1896) of the cigar makers reports a total of 14,070 — factories, of which 7,147 are strictly union shops.

The efficiency of the union is best seen in the summary of benefits from the report of 1896.

The total amount of benefits expended in sixteen years and eight months aggregated \$3,182,281.19.

BENEFITS PAID IN SIXTEEN YEARS AND TWO MONTHS.

Year.	Benefits paid.				
	Strike.	Sick.	Death.	Traveling.	Out of work.
1879 (a)	\$3,668.23				
1880	4,950.36			\$2,808.15	
1881	21,797.66	\$3,987.78	\$75.00	12,747.09	
1882	44,850.41	17,145.29	1,674.25	20,388.64	
1883	27,812.13	22,250.56	2,090.00	37,135.20	
1884	143,547.36	31,551.50	3,920.00	39,632.08	
1885	61,087.28	29,379.89	4,214.00	26,683.54	
1886	54,402.61	42,225.59	4,820.00	31,835.71	
1887	13,871.02	63,900.88	8,850.00	49,281.04	
1888	45,303.62	58,824.19	21,319.75	42,891.75	
1889	5,202.52	59,519.94	19,175.50	43,540.44	
1890	19,414.27	64,660.47	26,043.00	37,914.72	\$22,760.50
1891	33,531.78	87,472.97	38,068.35	53,535.73	21,223.50
1892	37,477.60	89,906.30	44,701.97	47,732.47	17,460.75
1893	18,228.15	104,391.83	49,458.33	60,475.11	89,402.75
1894	44,966.76	106,758.37	62,158.77	42,154.17	174,517.25
1895	44,039.06	112,567.06	66,725.98	41,657.16	166,377.25
Total	623,151.44	894,542.57	353,894.90	590,414.00	491,742.00

a Two months only.

The above table does not include the amount expended for benefits the first six months of the current year (1896), which amounted to \$228,536.28, as follows:

Loan	\$17,509.15
Sick	57,199.45
Strike	18,407.71
Out of work	95,115.00
Death	40,304.97

From the constitution of the International Union, adopted in Detroit, 1896, the following sections are devoted exclusively to the label.

THE BLUE LABEL.

SECTION 152. The president of the International Union shall have prepared, printed, and registered, a trade-mark label, to be known as the union label, in perforated sheets of not less than ten, suitable to be pasted on the outside of the box, so that the label will be conspicuously displayed. The labels shall be furnished free of charge to local unions. The paper used shall be a quality known as "mill medium," and of light blue color. The proportion of labels used by the Canadian unions to be printed in Canada by order and under the supervision of the international president.

SEC. 153. The following shall be the inscription on the union label:

SEPTEMBER, 1880.

Issued by authority of the Cigar Makers' International Union of America.

UNION-MADE CIGARS.

This certifies that the cigars contained in this box have been made by a first-class workman, a member of the Cigar Makers' International Union of America, an organization devoted to the advancement of the moral, material, and intellectual welfare of the craft; therefore we recommend these cigars to all smokers throughout the world.

All infringements upon this label will be punished according to law. President Cigar Makers' International Union of America.

SEC. 154. Each local union shall furnish, through its shop committeemen, to all strict union shops, free of all charges, as many of these labels as may be required from week to week for all cigars actually made by members of the union and persons holding retiring cards. No shop shall be considered a strict union shop unless the packers of the shop are members of the International Union, and the apprentice law of the local union be complied with. Where the manufacturer deals in Chinese, tenement-house, or scab cigars, it shall be optional with local unions to withhold the union label from such firms. All labels issued must bear the ink stamp. It shall be optional with local unions to paste them on the boxes. But in no case shall the union label be used in any factory which pays less than \$6 per thousand. Nor shall it be allowed on any cigars sold for less than \$20 per thousand. This shall not debar local unions from establishing a price above \$20 per thousand. No union shall be allowed to furnish the label for cigars made in whole or in part by machinery. Manufacturers employing no hands shall not be entitled to the label unless they have been a member of the International Union one year. This shall not apply to members suspended who were, prior to their suspension, members of the International Union for one year or longer, providing they be reinstated within six months of such suspension. But in no event shall a manufacturer be permitted the use of the label who offers presents as an inducement for the sale of his goods.

SEC. 155. In shops employing only union members in which the employer or foreman work at the bench, the union shall allow the use of the union label on all cigars made by them; provided, that they do not work to exceed eight hours per day at the bench or at the packing table.

SEC. 156. Employers agreeing to use the union label and violating any of the conditions for use, shall, for the first offense, be refused the use of the label until the employer deposits the sum of \$50 with the union as a guaranty for a faithful compliance in the future; for a

second violation the use of the label shall be refused for the space of six months. In no case shall there be more than one union label or facsimile of the same on each box. Nor shall the word "blue label" be used as a brand by any manufacturer under penalty of forfeiture of the label.

SEC. 157. Shop committees are strictly enjoined to demand a faithful compliance by employers in the use of the union label, and to report any breach of agreement to the executive board or label committee, or to the union forthwith. For violating or neglecting the enforcement of the conditions controlling the use of the label, the shop committee shall be fined not less than \$1 for the first offense, and not less than \$2 for the second offense. Unions violating any of the conditions controlling the use of the label, or neglecting its enforcement, shall be fined not less than \$5 for the first offense, payable to the International Union, and for the second offense be fined not less than \$25.

SEC. 158. Manufacturers operating more than one shop shall not be allowed the use of the union label unless all shops operated by such manufacturers are strictly union shops. Manufacturers, their agents, or representatives, operating a shop or shops in any locality, establishing a shop or shops in any other locality, shall not be allowed the use of the union label unless at least the same rate of wages is paid in the newly established shop or shops that prevail in the original shop or shops. Manufacturers, their agents or representatives, making cigars for other manufacturers, their agents or representatives, shall not be allowed the use of the union label unless at least the same rate of wages shall be paid in the shop or shops of the former as is paid in the shops of the latter. No brands of cigars made in both union and non-union shops shall be allowed to bear the union label.

SEC. 159. The international president shall furnish each local union with a uniform label canceling stamp, and no other shall be used for stamping the district and factory number on the union label. The district and factory number shall be movable; red ink shall be used on the right hand end of the label by the financial secretary or a committee designated for the purpose.

SEC. 160. Wherever two or more unions are located in any one city they shall jointly issue the union labels and each pay its proportionate share towards the issuance of the same. A joint committee shall issue the labels and supervise and sign all contracts between the unions and manufacturers. But no label committee shall grant labels to members who have a license and who work in factories at the same time. In localities where the open shop system is in existence it shall be optional with local unions to refuse labels to manufacturers (who employ no hands) until they have been members one year.

SEC. 161. Local unions shall be allowed a sum not to exceed \$25, in addition to attorney fee, for committee work in the prosecution of counterfeit label cases. But no prosecution of label cases shall be instituted without the consent of the international president.

SEC. 162. Local unions shall be allowed \$1 per capita per annum out of the general fund for label agitation by circulars, newspaper advertising, committees, etc., in their respective districts, the per capita tax to be based on the May report of local unions.

SEC. 163. Local unions shall, wherever practical, organize state, province, or district label leagues for State or district label agitation. Each local union in a State or district where a league exists or may thereafter be formed should be a part thereof.

The apparent success of the label among the cigar makers raised the question of its adoption with other unions in 1883 and 1884. The powerful organization of the hatters introduced it in 1885. The label is attached under the lining or "sweat" band of the hat. Its use has become so common in stiff hats that a visit to 12 New York stores (not the more fashionable ones) showed that 9 of them regularly kept the labeled hats. In the semiannual report of the United Hatters for June, 1897, the number of labels used from December 1, 1896, to June 1, 1897, in 14 towns where hats are made is given as follows:

Bethel	300,000	Newark	500,000
Bloomfield	50,000	Norwalk	150,000
Boston	175,000	Orange	150,000
Brooklyn	130,000	Philadelphia	100,000
Chicago	65,000	St. Louis	10,000
Danbury	1,450,000	Yonkers	10,000
Hamilton	10,000		
Millburn	20,000	Total	3,120,000

Above 95,000,000 have been used since the label was adopted in 1885. It is admitted by manufacturers that the influence of the label is increasing.

The regulations of the United Hatters of North America governing the use of the label are as follows:

No. 1. No factories other than those working under the jurisdiction of the United Hatters of North America shall be entitled to the use of the label.

No. 2. Any manufacturer using hats, any part of which was made in a foul shop, shall not be entitled to the use of the label.

No. 3. Labels shall not be furnished to any person buying seconds, knockdowns, or hats in the rough to be finished outside the factory where they are made, unless a voucher is presented to the label secretary, filled out and signed by the steward of either the finishing or making departments.

No. 4. The label steward of the finishing room shall have full charge of the distribution of the labels, and shall give to journeymen the number of labels necessary for each weighout to be sent with the hats to the trimming room. A record shall be kept of each day's work by the label steward, and he shall report the same to the label secretary weekly.

No. 5. The labels must be sewed in all hats, so that they can not be taken out without destroying the label.

No. 6. The labels shall be kept in a box under lock and key.

No. 7. The national secretary shall furnish to the label secretaries books of blank certificates and anything else that may be necessary to prevent abuses in the use of the label. The books shall be given to the shop stewards, and shall be filled out by them when hats are sent out from factories in the rough.

No. 8. Shop stewards, when hats are sent out in the rough, shall send by mail to the label secretary of the district to which the bodies are

Voucher B. Voucher C shall be sent with the hats. When hats

are sent to a district in which there is no local union of hat makers, Voucher B shall be sent to the secretary of this association.

No. 9. No label voucher shall be recognized after forty days from date of issue.

No. 10. It shall be the duty of the joint local board to look after the interests of the label in their respective districts.

No. 11. Any manufacturer who may violate any of the label laws shall be deprived of the use of the label for thirty days for the first offense.

The label appeared in the ready-made clothing trade in 1886 at a time when the Knights of Labor were in control of organized labor. It took the form of a small card tied to the garment by a thread. The present form of the label was adopted by the National Union in 1891. It is of cloth attached to the inside of the garment, and costs the seller of the garment one-third of a cent, the purpose being merely to cover its cost. The inscription on the label shows that it is issued by the authority of the general executive board of the United Garment Workers of America, and the garment is guaranteed union made.

The following are the rules and regulations of the United Garment Workers concerning labels:

1. The label can only be used on garments made for strictly union firms.

2. The label shall in no case be delivered to any employer to be by him attached to the garments.

3. Each local or locals using the label shall appoint some member or a committee to issue to the members the label, and to control its use, subject to these rules and the regulations of the locals.

4. The label shall be attached to the garments by the members making them.

5. Each member shall report to the committee or member having charge of the label how many they have attached to garments for the firms for whom they work.

6. It shall be the duty of the union, in such manner as seems to them most advisable, to collect from each firm on whose garments the label has been used one-third of 1 cent for each label used. (a)

7. The label shall be placed in the inside breast pocket of coats, on the underside of the back strap of vests, and on the waistband lining of trousers.

8. The price of the label to the local unions shall be \$3 per thousand, or 30 cents per hundred in less quantities than one thousand.

From 1891 the label has been taken up by printers, bakers (b), wood-

^a Slight as the expense is, this expense to the purchaser has led to many troublesome objections. Bakers and shoemakers use a stamp, cigar makers and printers a label printed upon paper without cost to the user. To avoid the friction caused by the expense of the linen label of the garment makers several officials urge that it, too, be distributed gratis.

^b The label issued by the Journeymen Bakers and Confectioners' International Union of America is a guaranty that each loaf of bread on which it appears is the product of union labor. It is also claimed that bread so labeled is made only in shops where sanitary conditions are perfect and cleanliness prevails.

workers (*a*), harness makers, iron molders, broom makers, coopers, photographers (*b*), shoemakers, custom tailors, mattress makers, horse-shoers (*c*), brewers, egg inspectors (*d*), and barbers (who display their label in the window). Labels are found even upon coal carts, indicating that union men only are employed in distributing coal.

Among the cigar makers, hatters, and printers the label is an influence of very considerable importance. The label of the printers, for example (adopted November, 1891), is in use in more than 200 cities in the United States and Canada. Several cities have gone so far as to pass ordinances requiring all city printing to bear the union label. The State of Nevada requires all State printing to be done in union offices and to bear the trade-mark of the union. This recognition of the trade union by the municipality is the boldest step yet taken. The city thus becomes the "model employer," accepting frankly the principle of the "trade-union wage," and endeavoring, to the extent of its patronage, to uphold the standard of hours and wages, conditions for which the union stands. The action recently taken by the mayor of Boston, Josiah Quincy, is so significant that the paragraphs from a recent address to the city council are given in full:

For a number of years the typographical union has been endeavoring to secure the recognition by the city of the organization of the printing craft through the appointment of some member of the union as superintendent of printing. I stated a year ago that "in some foreign countries organizations of wage earners take a constant, active, and intelligent interest in municipal questions, and some of their members occupy important positions and render useful service in connection with city governments," and that similar cooperation might well be encouraged to a greater extent than in the past in American cities. After mature consideration I concluded that it would be advisable, in pursuance of the policy thus indicated, to place in charge of the city printing some member of the typographical union thoroughly qualified to fill such a position, and that this step would be in the public interest; I am now entirely satisfied that this has proved to be the case. It seems to me highly desirable to make organized bodies of intelligent wage earners feel that they are directly represented in the management of public business, particularly such as pertains to their several trades.

The city printing has been done for the last twenty years under a contract made in 1876, and allowed to run on without change since that time. About \$70,000 a year is now paid out for composition and press

a The Amalgamated Woodworkers' International Union of America issues a label to be placed on articles made by union woodworkers. On ordinary household articles this label is stamped with ink, and on store, office, and saloon fixtures a brass stamp is used, similar to the name plates used by the manufacturer.

b The label issued by the National Photographers' Union is printed in black ink on red paper, and placed on each union-made photograph.

c The horseshoers' label is stamped on the inside heel of each shoe, and is a guaranty that the horse wearing the shoes was shod by union horseshoers.

d The egg inspectors' label is a guaranty that the eggs have been inspected by skilled union men. It is printed on yellow paper and placed on the end of the box.

work alone. When the present superintendent of printing took office I instructed him to examine carefully into the expenditures for printing, and to report to me whether the city could not with advantage establish a plant for itself, to do a part or the whole of its own printing. After careful investigation, both the superintendent and myself have become satisfied that the city should take steps in this direction. The continuance of the contract referred to stood in the way of adopting this policy, as it gave the contractor all of the printing of the city. As it was originally made through the joint committee on printing of the city council, at a time when it exercised powers since vested in the executive, it seemed necessary that action for its abrogation should be taken by this committee, as well as by the superintendent of printing, and this has just been effected.

Typographical unions have for many years urged the establishment of public printing plants for the execution of public printing, and the printers of this city have warmly favored the proposed establishment of a municipal plant. The new policy will be inaugurated in a careful and conservative manner. Probably only a portion of the city printing will be undertaken at first, and the work of the municipal plant only gradually extended. In the meantime the present contractors will continue to do such portion of the city printing as the municipal plant is not ready to take. It should be stated, in justice to them, that both the quality of their work and the manner in which it has been executed have been found satisfactory. (a)

It is hardly open to doubt that such action upon the part of municipalities would greatly strengthen the use of the label, at least until such time as the experiment was found to fail. Upon its theoretic side the label stands, primarily, for "better pay and for improved conditions of labor." As will appear later, this is thus far but slightly realized in practice. Its practical and immediate purpose is, of course, to strengthen the union. The label is the chosen symbol of work done under union conditions. Any open and distinct recognition of the union and its principles of "collective bargaining" must so far help their trade-mark. Some of the local and college settlements take the same step, not merely of dealing with unions as distinct from individuals, but expressly recognizing the label. The Prospect Union, carried on in Cambridge, Mass., as a kind of college settlement, expressly recognizes the label of the typographical union, which does work on the cooperative plan with good measure of success. The aim is, moreover, to make the label in this instance stand for excellence of workmanship, restoring something of the ideal of the craft guilds in their better days. That this has not been done more generally with the label is clearly a weakness, especially if appeal is to be made to a larger purchasing public. It has been usual to claim for the label that it represented merely that the work was done under strictly union conditions. So far as these conditions—wages, hours, sanitation, etc.—stand for higher

a The following is from a Chicago labor paper: "The city councils of Davenport, Iowa, Rockford, Ill., Louisville, and several other Western cities have recently passed resolutions that all city printing must hereafter bear the union label."

excellence (as in many cases they do) it may be claimed that the label also represents a better quality of work.

Further than this very indefinite claim, the label can not be said to stand for excellence of workmanship or of product. The cigar makers usually admit this, although they have an organization of extraordinary completeness and efficiency. A sort of minimum of quality is, however, set, as will be seen in the following extract from their constitution, sec. 154: "In no case shall the union label be used in any factory which pays less than \$6 per thousand; nor shall it be allowed on any cigars sold for less than \$20 per thousand." This action of the international body does not, however, cover the procedure of local unions, which may allow a label on cheaper cigars.

In the case of the hatters, it is even more difficult to trace any relation whatever between the label and quality or improved conditions. Many shops conspicuous for the high character of their product, wages, and entire circumstances under which the laborer works, have never used the label, nor is there any likelihood of their so doing.

Nowhere better than among the hatters can the matter-of-fact side of the label be seen. It is, like the strike or the boycott, an instrument of warfare. The published literature of the hatters' union is filled with evidence on this point. No printed matter upon this subject is so wholly frank as to the primary objects to be sought through the label. It is of course assumed that the mere fact of labor organization implies of itself higher wages and better surroundings; otherwise there is singularly little pretense that quality of work, for example, or sanitation enters into their calculation.

A movement to strengthen the ideal character of the label, to help make it what many unions claim that it is, has grown out of the activities of the Social Reform Club in New York. The first announcement of the club, signed by its committee on organized labor, is as follows:

The working people have an answer of their own to these perplexing questions. They advocate the use of the union label—the workingman's trade-mark. Placed upon goods by the workers themselves, this mark assures the buying public that these goods were made for fair wages and under healthful conditions.

This device, invented by American labor, is still new, but it promises a quiet adjustment, through business methods, of these ethical difficulties which are now troubling the minds of consumers. People who are anxious to help in mending matters can do so by asking for the union label on the goods they buy. The undersigned committee holds itself ready to give full information concerning the various labels, and what are the best methods of advancing the movement.

The club has begun the publication of a series of leaflets "to make the idea, the history, and possible use of the label known, not only among members of trade unions, but also among the general public who may wish to know effective ways in which the unions may be strengthened."

These leaflets are "to be issued from time to time for a period of twelve or fourteen months. Written by members of the club and others. Subjects: General Argument; The Label as it Is, What and Why; Value to the Consumer, Ethical and Practical; History of the Label; Economic Value; Legal Standing; Bakers' Label;" etc.

It is the express purpose of this committee to make an active propaganda for the label. Two leaflets have already appeared, the first over the name of James B. Reynolds, the head of the well-known College Settlement in New York City. The appeal is made directly to the public, first, to understand what the label means.

1. It means or aims to mean that the work is done under wholesome conditions. 2. It insures or aims to insure the payment of reasonable wages. 3. It insures or aims to insure reasonable hours of work. 4. It stands for the effort of an organization constantly striving to secure and maintain these results.

Secondly, the appeal is made to cooperate actively in furthering its use.

To promote the use of the union label means, then, to unite with the workers in their struggle to make the conditions under which work is done more sanitary, the conditions of the worker safer, and the products of better quality.

The union label, therefore, appears to be the only means of helping the workers in the factories to help themselves. For this reason, and because of the benefits to the public as well as to the workers for which it is guaranteed, the support of the union label is strongly urged by the Committee on Organized Labor of the Social Reform Club.

The committee regards the label as the only sign which indicates that the work has been done under suitable conditions and with any consideration of the rights of the employees, and therefore urges the conscientious public in making purchases to ask for articles bearing the union label.

In the second leaflet, just issued, the point is fairly made that the general public has had its attention called chiefly and inevitably to the dramatic side of trade-union life and effort. It has heard constantly of the violence and strife. It has known far less, or not at all, of the educational and peacemaking tendencies in the unions.

The label brings us to the union when it is in another mood, and we find it a peace-loving association bent upon improving society through improving the conditions of work among its own members. It is an enthusiastic reformer. Here is no contradiction; none ever fight with so much fervor as those who fight for ideals.

The label has resulted from that steady constructive effort toward improvement which is carried on by wage earners through the many months or years when they are not at war. It has great interest for everyone who loves fair play, self-help, and equal chances for all. Its capacity for affecting trade seems likely to produce rapid changes, and consequently the principal labels, how they are applied, just what they signify, and whether they may be misused, are matters that really concern our whole community.

Certain weaknesses of the label are frankly recognized:

Plainly the scheme is not without its dangers and drawbacks, such as are inherent in all man's dealings. The danger of counterfeiting is the same as with any other trade-mark. The label is copyrighted, and a strong union protects its own label; the label of a weak union scarcely attracts counterfeiters. Treachery among the men is more difficult to meet. The label sometimes is sold out. But a fraudulent label is so injurious to the union that the evil is soon detected and likely to be quickly corrected. These are misfortunes incident to all trade.

The leaflet concludes:

This, then, is the union label, a mere business device of the American workingman, invented to protect himself from broken promises and crooked dealing in the business world of bargains and competition. It originated without sentiment and without consciousness of having anything more than the most sordidly practical of uses. But like all sound business methods, it is notably well fitted to help along the progress of humanity. Considerably to its own surprise, it proves to be an object for enthusiasm. To anyone who realizes the underlying significance of the trade union this is no surprise, however, and the practical good sense of the device becomes its strongest claim to confidence. Though the trade union does not always handle it well or wisely, and there are plenty of unavoidable inconveniences and imperfections in its actual use, nevertheless the label has great possibilities, and closely concerns others as well as the men who planned it. To these men it means stable advantages in wages, hours, surroundings, honesty, and fair competition. Its right to receive these things is sometimes questioned, but this leads into the whole economic argument about trades unionism, which has no place here. Its actual value to the craftsman in securing him the sort of life he needs is clear enough.

As for the buyer, on whose demand the success of the label's work depends, its value to him, though less evident, is quite as great. He, as well as the employer and the worker, may find positive advantage in using the union label. The evidence and proof of this are matter for another discussion.

The occasional selling out of the label and other abuses here referred to are true and constitute a real weakness in the history of the label. A perfectly fair criticism, however, admits some extenuation. The abuses will be found at those points (as among garment and cigar makers) where the struggle of organized labor is very intense. Here, as in any fight which waxes hot, principles suffer. The high phrases in political platforms do not deceive us. We allow for a very wide and sharp difference between the printed ideals and the compromises which mark the actual work of party warfare.

It would not be fair to hold cigar or garment workers to stricter responsibility. The awful struggle which goes on in the clothing industry is marked by broken faiths, in the case of manufacturer, contractor, and laborer alike. It is much to expect under these circumstances that the label should come off unscathed. It has undoubtedly been often used and allowed under conditions which violate every principle for which the label stands.

The conditions against which the cigar makers (and even more the garment workers) have had to contend are not overstated by Helen Campbell in her *Prisoners of Poverty*:

A block or two beyond, the house entered proved to be given over chiefly to cigar making. It is to this trade that women and girls turn during the dull season, and one finds in it representatives from every trade in which women are engaged. The sewing women employed in suit and clothing-manufactories during the busy season have no resource save this, and thus prices are kept down and the regular cigar makers constantly reinforced by the irregular. In the present case it was chiefly with regular makers that the house was filled, one room a little less than 12 by 14 feet holding a family of seven persons, three of them children under ten, all girls. Tobacco lay in piles on the floor and under the long table at one end where the cigars were rolled, its rank smell dominating that from the sinks and from the general filth, not only of this room but of the house as a whole.

Two of the children sat on the floor stripping the leaves, and another on a small stool. A girl of twenty sat near them, and all alike had sores on lips and cheeks and on the hands. Children from five or six years up can be taught to strip and thus add to the week's income, which is far less for the tenement-house manufacture than for regular factory work, the latter averaging from \$8 to \$12 a week. But the work if done at home can be made to include the entire family, and some four thousand women are engaged in it, an almost equal but unregistered number of young children sharing in with them. As in sewing, a number of women often club together, using one room, and in such case their babies crawl about in the filth on the wet floors, playing with the damp tobacco and breathing the poison with which the room is saturated.

In the case both of cigar makers and garment workers, it is incontestable that the additional strength which the unions have gained by the use of the label has made conditions like those described above somewhat more difficult in a few centers. Theodore Roosevelt is reported as saying at a public meeting, "I have visited these pest holes personally, and I can assure you if smokers could only see how these cigars are made we should not need any legislative action against this system."

- This trade-mark is first and last a weapon with which to defend the union. Sanitary and other improved conditions are of secondary consideration. If the pressure of competition is too great, there is naturally no thought of any end except to induce the employer to maintain a strictly union shop and thus insure the payment of members' dues. Even in the constitution of the International Cigar Makers, section 160, it is said: "In localities where the open shop system is in existence it shall be optional with local unions to refuse labels to manufacturers (who employ no hands) until they have been members one year." Section 154 says: "Where the manufacturer deals in Chinese, tenement-house, or scab cigars, it shall be optional with local unions to withhold the union label from such firms."

It is recognized that much elasticity is necessary in applying principles. Where competition is too strong or the union too weak, abuses have shown themselves, or no attempt has been made to enforce rigidly the broader principles of the label.

Even at present, in an organization as powerful as the cigar makers, there has been great license in granting the label. It is distinctly maintained that the label is a guaranty against tenement-made goods and against goods made under insanitary conditions. This is clearly the aim of the unions; but a careful examination showed plenty of cases—in Chicago, for example—in which the label was used with dangerous laxity. It is certain that in many of these instances the label was counterfeited, the proof being that prosecutions were very common. In other cases the label had been given out carelessly, on the one condition that all dues were paid and no charges pending.

It also appeared that an extremely liberal definition of a tenement was in use. It is but fair, however, to say that as the union strengthens the abuses are less and less frequent. The testimony from several firms who have had experience with the label, as well as many contractors, confirm this view.

The head of a large firm in New York said to the writer in April, 1897: "I did everything that I could to get hold of the label on my own conditions, but it was refused until my shop became strictly a union shop, and I have been held rigidly to the contract. They have been straight and fair with me." This is also the testimony of a large firm in Boston.

Wholesale firms are often led to adopt the label because of the form of propaganda in use among the unions. In hundreds of country towns where trade unionism is strong an agitation is organized among the various unions, lecturers sent out, and literature distributed to induce the local traders to keep labeled goods in stock. (a)

a From the national office of the Boot and Shoe Workers' Union the following circular, containing resolutions adopted at the convention of the American Federation of Labor in New York, 1895, was sent out in 1896 as an appeal to the 160,000 shoe workers in the United States and Canada:

FELLOW WORKERS: We desire to call your attention to the following extracts from the printed report of the proceedings of the fifteenth annual convention of the American Federation of Labor, held in New York City December 9 to 17, 1895:

Resolution No. 32:

Whereas rival organizations heretofore existing among the boot and shoe workers have been contending for supremacy, resulting in a division of the workers into small factions; and

Whereas this division has operated to the detriment of the boot and shoe workers with a twofold effect:

First. In making impossible that unity of action necessary in any trade to protect the workers from the encroachments of the employer, and

Second. In depriving the boot and shoe workers of the benefits to be derived from the assistance of other organized trades through the use of a label representing a united craft; and

Whereas the Boot and Shoe Workers' Union, at a joint convention held in Boston, April 10, 1895, founded a new national organization into which all existing national organizations were merged, thus completing an amalgamation of the organized shoe workers into one organization known as the Boot and Shoe Workers' Union; and

Whereas the Boot and Shoe Workers' Union has adopted as the trade-mark or label of the craft a device known as the union stamp, said union stamp being a steel die in the design of a shield, with factory number attached, to be impressed upon the soles of only such boots and shoes as are made by union workers under fair conditions; and

the amalgamation of the different factions of the organized workers in any trade into one

This demand leads the trader to ask in the large cities from the wholesale departments that the label shall be put upon hats, garments, shoes, cigars, etc. If this demand becomes serious enough the firm, if a manufacturer, must "unionize" its shop and sign a contract to adhere strictly to union conditions.

The contract between manufacturer and union often contains a promise on the part of the union to do all within its power as a labor organization to advertise the labeled goods and otherwise benefit the manufacturer. The United Garment Workers of America has a contract with a large firm of clothing manufacturers in the West. This contract contains an admirable form of arbitration, which has proved entirely satisfactory. The head of the firm assured the writer that the label

organization and under one head is one of the basic principles of the American Federation of Labor: Therefore be it

Resolved, First. That the American Federation of Labor, in fifteenth annual convention assembled, does hereby heartily indorse the action of the organized boot and shoe workers in their efforts to unite the craft;

Second. That all indorsements heretofore given by the American Federation of Labor to labels, stamps, trade-marks, or devices, representing the whole or any part of the boot and shoe workers, be and hereby are withdrawn;

Third. That the union stamp of the Boot and Shoe Workers' Union be and hereby is indorsed as the label or trade-mark of the organized boot and shoe workers, and that no boots or shoes shall be considered as union made except they bear upon the soles an impression of the Boot and Shoe Workers' Union stamp, with factory number attached; and be it further

Resolved, That no national, international, local, or federal labor union, State branch, central body, or any other organization that is now or may be affiliated with the American Federation of Labor shall lend encouragement or give support to any device, label or trade-mark on boots and shoes other than the union stamp of the Boot and Shoe Workers' Union; and be it further

Resolved, That any national, international, local, or federal labor union, State branch, central body, or any other organization now affiliated with the American Federation of Labor giving indorsement, encouragement, or support to any label, trade-mark, or device on boots and shoes, other than the union stamp of the Boot and Shoe Workers' Union, be and hereby is instructed to immediately withdraw such indorsement, encouragement, or support in the interest of a thorough unity of the craft.

The foregoing action of the convention of the American Federation of Labor leaves no room for doubt as to what constitutes the genuine trade-mark of the organized shoe workers of the United States and Canada.

[Facsimile of label shown in circular.]

The organized workers should refuse to recognize any other form of label than the one at the head of this paragraph, no matter what representations may be made by dealers. Insist upon having none but the "union stamp," an impression of which will be found on the sole of all strictly union-made shoes, and without which no goods are union made.

You will place us under obligations to you if you will at once appoint committees to wait upon dealers in boots and shoes and insist on them keeping in stock a line of "union stamp" shoes.

If the dealers ask you where they are to be had, tell them to write to this office, and at all times refuse to buy unless the "stamp" is on the goods.

If you persist in your demands, the dealers will find a way to supply the demand. After once having asked for "union stamp" goods in a store refuse to purchase in that store unless you get them.

Our reason for making this request is that if you purchase after having asked for the "stamp" the dealer concludes that as you buy without the "stamp" he can get along quite as well without the "union stamp," and is not influenced as he would be if you left the store to buy elsewhere.

If you can make it possible to organize shoe workers in your locality, communicate with this office and we will furnish you with all information necessary to complete the organization, and in this way you can help us to a great extent.

Thanking you in anticipation of your assistance in the work of booming the "union stamp" and organizing our craft, and promising to render like service to all other crafts, we are fraternally, yours,

BOOT AND SHOE WORKERS' UNION.

P. S.—Secretaries will confer a special favor upon us by having this circular read at meetings of their organizations and advising us of their action thereon.

had subjected him to no trouble, and that he had found the officials perfectly fair as to the conditions of the contract, which is as follows:

Know all men by these presents: Agreement entered into between the firm of ———, party of the first part, and the United Garment Workers of America, party of the second part.

In consideration of the use of the union trade label of the party of the second part, party of the first part agrees to abide by the following rules and regulations governing the uses of the same:

First. All employees engaged in the manufacture of garments for the party of the first part shall be good-standing members of the party of the second part.

Second. All proper sanitary conditions shall be observed in all shops manufacturing garments for the party of the first part.

Third. The said label shall be controlled by Local Union No. —, who shall attend to the proper issuance of the same.

Fourth. The said label shall be in the sole charge of a responsible member of the party of the second part in the shop of said firm, and who shall report weekly to the respective unions, giving an account of the quantity of labels used.

Fifth. Party of the second part agrees to do all within its power as a labor organization to advertise the labeled goods and otherwise benefit the business of the party of the first part.

Sixth. The party of the first part agrees to pay for the printing of the labels used.

Seventh. Should any differences arise between the party of the first part and the employees as to conditions of labor, it shall be adjusted by a committee of three selected by the firm and a committee of three from Local Union No. —. Should these committees fail to agree, then both committees shall select a seventh party, who shall decide any said question in dispute.

This agreement to go into effect — and to terminate two years from date.

Signed by party of the first part.

Signed by committee of the party of the second part.

This contract gives the officials of the union much help in doing their own work, as it becomes the interest of the manufacturer to see to it that his workmen fulfill the conditions (paying dues, etc.), which the unions set. This is indeed the real influence which the advocates of the label seek to advance.

Several special label papers are now printed in different cities solely to further the cause. Some idea of the effort put forth by the unions to strengthen the label may be got from the fact that in Boston during 1896 the Cigar Makers' Union No. 97 expended for "label agitation" \$3,188.28. In the president's report to the Detroit convention last year it is said that 43,393,000 labels (for cigar boxes) were distributed between September 1, 1893, and August 31, 1896.

A new step has also been taken in the formation in New York and other cities of a Trade Union Label League to "give unity and efficiency to the general work of education and agitation." From Toronto we

ie was organized June 10, 1895, for the purpose of uniting trades using union labels in this city. This central body

doing the work of advertising and protecting the various labels relieves the unions of a great deal of work, and makes it more economical and effective than by individual effort in bringing before the general public the different labels in use.

The league meets on the second and fourth Tuesdays in each month at 8 o'clock p. m.

The gain made in the attention now paid to the label may be best measured by the action at the annual meeting of the American Federation of Labor, held in Cincinnati in 1896. In the secretary's report it is said:

The growth of the union label is steady and sure. It is the backbone of some of our unions and a great aid to them all. Label leagues are being instituted in many places, both on local and State lines, and are doing good work. There are many more industries which can adopt union labels, and which, no doubt, will in the course of time. From reports made to headquarters during the year from the various unions, continued and increasing interest is being taken in their welfare. That all unions should boom the union label of each other is important, for to build up and strengthen any one union strengthens all others. While we may be working at different callings, our interests are intertwined. Upon the growth and activity of unionism generally in any city depends the stability and power of the particular union in which any one of us may hold a card. Hence the importance of furthering union labels of sister unions. By helping them we help ourselves and all help each other.

The following resolutions were also adopted at this convention:

Whereas the National Union of the United Brewery Workmen has adopted a union label for use on all packages containing union-made beer, ale, and porter, and also a union show card for display in all saloons which sell union products exclusively; be it

Resolved, That this sixteenth annual convention of the American Federation of Labor indorses said label and show card, and urges all members of the American Federation of Labor to demand the label and the show card.

Whereas we recognize in the union label the mainstay of trade unions, and that the best, most far-reaching, and most earnest way of educating and advocating the union labels is through the organization of active label leagues; therefore,

Resolved, That the American Federation of Labor recognize this form of organization, impress upon the minds of delegates in reporting to their constituents the necessity of organizing and maintaining label leagues, and that this body instruct the newly elected officers to grant charters to local, district, and State label leagues.

Resolved, That this, the sixteenth annual convention of the American Federation of Labor, declare it to be the duty of the trade unionists to not only purchase the products of union labor as indicated by the union labels and trade-marks of the various industries, but that it shall also be their duty to see that their wives and families patronize union products.

Whereas in order to better acquaint the public with the different union labels, be it

Resolved, That the executive council of the American Federation of Labor be instructed to have cardboard or enameled tin signs made with

the different union labels of unions affiliated with the American Federation of Labor, and distributed pro rata among the different unions for advertising the same.

The secretary of the United Hatters of North America reported in 1897: "We now use between eleven and twelve millions of labels annually. The label is growing in importance. We have unionized about twelve factories during the last year."

As in the case of cigars and garments, there is much complaint against counterfeit labels. Cards and leaflets are widely distributed, with appeals to keep a sharp lookout for counterfeits. There is also very extensive circulation of cards bearing the names of those firms in different cities where the labeled goods may be found. (a)

Laws protecting the cigar makers' label have been adopted in 28 States and Territories: California, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas.

Cost of prosecuting counterfeits is about \$8,000 annually.

In Illinois the using of a false label is a quasi-criminal offense, and the penalty, \$100 fine or imprisonment, is so administered that counterfeiting is not much checked (fines being remitted, etc.). About 50 cases were tried last year.

Protection by injunction or suit for damages in court was long refused, the grounds of refusal being that workmen who used the label were only laborers, having no property right in what they produced, and therefore could suffer no loss from counterfeit.

F. J. Stimson, in his *Handbook to the Labor Law of the United States*, page 184, says:

To meet these cases the statute has very generally been passed allowing members of trade unions, or labor unions, or associated

a The following appeal for cooperation was issued in 1896 by the United Hatters:

BROTHERS: We, the United Hatters of North America, appeal to you for assistance. We do not ask for financial aid, nor do we ask you to make the slightest sacrifice of either time or money. Our request is a simple one: Do not buy or wear a fur or felt hat, either soft or stiff, unless the genuine union label is sewed in it. That is all there is to it, and if you comply with our request you will confer on us an everlasting favor.

The following are prominent nonunion concerns; they use counterfeit labels:

For the assistance which we have received from organized labor in the past we are sincerely thankful. The support given to us by our friends has enabled us to unionize twelve factories during the past year, and with a continuance of it we will be able to unionize every factory in the country.

Keep a sharp lookout for counterfeit labels. As a general thing they are not perforated on the four edges. They are sometimes perforated on three of the edges and sometimes only on two. The genuine label is perforated on the four edges, exactly the same as a postage stamp.

Do not patronize any retailer who has loose labels in his store. Loose labels in retail stores are counterfeits. Do not buy a hat unless the label is sewed in it. Nonunion hats are sometimes found with counterfeit labels sewed in. The fact of a label sewed in does not go to prove that it is a genuine one, though as a rule

laborers in any shop or class, to adopt labels or trade-marks to be used solely to designate the products of their own labor, or of the labor of members of their own trade unions or labor unions in alliance with them; and provision is usually made for the registration of such label or trade-mark in the office of the secretary of state, and a penalty imposed for counterfeiting it; and in most of the above-mentioned States remedies by injunction or equity process are expressly given the laborers or the labor union against the infringement of their trade-mark or label, or unauthorized use of such trade-mark by other persons. In fact, the Kentucky statute provides that such union label shall not be assignable at all.

Such statutes are constitutional, and are not class legislation. (a) And it has further been held in Illinois, and denied in Pennsylvania, that a label declaring union-made cigars to "have been made by a first-class workman, a member of * * * an organization opposed to inferior, rat-shop, cooly, prison, or filthy tenement-house workmanship," is not illegal as being immoral or against public policy within the meaning of the law of trade-marks.

It will thus be seen that such praise or blame as the label may receive will be determined largely by general views upon the trade union itself. If it is conceded that labor organization is a necessity of the time, that it is especially necessary at the points where competition is most intense, it will not be denied that the label is an effective weapon to fortify the union in its struggle for a higher standard of living.

If the label is to win a larger and more strictly public sympathy, it is obvious that far greater effort must be made to have it stand—as it stoutly claims to stand—for improved sanitation and other better conditions.

In trades like that of the garment makers, a label that should be confidently known to stand for definite improvement in the life of the worker, would attract a powerful public sympathy. There are many indications at hand that a growing public interest will soon demand from some source—from manufacturers, storekeepers, voluntary associations like the Consumers' League, or from trade unions—a label that shall be an absolute guarantee that the goods upon which it is placed are not made in sweat shops. Every increased effort of the unions to have their label a sure symbol of higher standards of life and work among the wage earners is certain to command more cordial and more helpful recognition from the general purchaser.

The Illinois act of July 1, 1891, as amended by the act of July 1, 1895, and the Massachusetts act of 1893, are good illustrations of legislation regarding labels.

The Illinois act is as follows:

SECTION 1. Whenever any person, or any association or union of workingmen, has heretofore adopted or used, or shall hereafter adopt or use, any label, trade-mark, term, design, device or form of advertisement for the purpose of designating, making known or distinguishing any

a *Cohn v. People*, 37 N. E., 60; *State v. Bishop*, 31 S. W., 9.

goods, wares, merchandise or other product of labor as having been made, manufactured, produced, prepared, packed or put on sale by such person or association or union of workmen, or by a member or members of such association or union, it shall be unlawful to counterfeit or imitate such label, trade-mark, term, design, device or form of advertisement, or to use, sell, offer for sale, or in any way utter or circulate any counterfeit or imitation of any such labels, trade-mark, term, design, device or form of advertisement.

SEC. 2. Whoever counterfeits or imitates any such label, trade-mark, term, design, device or form of advertisement, or sells, offers for sale or in any way utters or circulates any counterfeit or imitation of any such label, trade-mark, term, design, device or form of advertisement, or knowingly uses any such counterfeit or imitation, or knowingly sells or disposes of or keeps or has in his possession, with intent that the same shall be sold or disposed of, any goods, wares, merchandise or other product of labor to which any such counterfeit or imitation is attached or affixed, or on which any such counterfeit or imitation is printed, painted, stamped or impressed, or knowingly sells or disposes of any goods, wares, merchandise or other product of labor contained in any box, case, can or package to which or on which any such counterfeit or imitation is attached, affixed, printed, painted, stamped or impressed, or keeps or has in his possession, with intent that the same shall be sold or disposed of, any goods, wares, merchandise or other product of labor, in any box, case, can or package to which or on which any such counterfeit or imitation is attached, affixed, printed, painted, stamped or impressed, shall be punished by a fine of not less than one hundred (100) dollars, nor more than two hundred (200) dollars, or by imprisonment for not less than three (3) months nor more than one (1) year, or by both such fine and imprisonment.

SEC. 3. Every such person, association or union that has heretofore adopted or used, or shall hereafter adopt or use, a label, trade-mark, term, design, device or form of advertisement, as provided in section one (1) of this act shall file the same for record in the office of the secretary of state, by leaving two (2) copies, counterparts or facsimiles thereof with said secretary, and by filing therewith a sworn statement specifying the name or names of the person, association or union on whose behalf such label, trade-mark, term, design, device or form of advertisement shall be filed, the class of merchandise and a particular description of the goods to which it has been or is intended to be appropriated, that the party so filing, or on whose behalf such label, trade-mark, term, design, device or form of advertisement shall be filed, has the right to the use of the same, and that no other person, firm, association, union or corporation has the right to such use either in the identical form or in any such near resemblance thereto as may be calculated to deceive, and that the facsimile copies or counterparts filed therewith are true and correct. There shall be paid for such filing and recording a fee of one (1) dollar. Any person who shall for himself, or on behalf of any other person, association or union, procure the filing of any label, trade-mark, term, design, device or form of advertisement in the office of the secretary of state, under the provisions of this act, by making any false or fraudulent representations or declarations, verbally or in writing, or by any fraudulent means, shall be liable to pay any damages sustained in consequence of any such filing, to be recovered by or on behalf of the party injured *thereby in any court having jurisdiction*, and shall be punished by a *fine not exceeding two hundred (200) dollars or by imprisonment not*

exceeding one year, or both such fine and imprisonment. The secretary of state shall deliver to such person, association or union so filing or causing to be filed any such label, trade-mark, term, design, device or form of advertisement so many duly attested certificates of the recording of the same as such person, association or union may apply for, for each of which certificates said secretary shall receive a fee of one (1) dollar. Any such certificate of record shall in all suits and prosecutions under this act be sufficient proof of the adoption of such label, trade-mark, term, design, device or form of advertisement. Said secretary of the state shall not record for any person, union or association any label, trade-mark, term, design, device or form of advertisement that would reasonably be mistaken for any label, trade-mark, term, design, device or form of advertisement theretofore filed by or on behalf of any other person, union or association.

SEC. 4. Every such person, association, or union adopting a label, trade-mark, or form of advertisement, as aforesaid, may proceed by suit to enjoin the manufacture, use, display or sale of any such counterfeits or imitations; and all courts having jurisdiction thereof shall grant injunctions to restrain such manufacture, use, display or sale, and shall award the complainant in such suit, such damages, resulting from such wrongful manufacture, use, display or sale, as may by said court be deemed just and reasonable, and shall require the defendants to pay to such person, association or union the profits derived from such wrongful manufacture, use, display or sale; and said court shall also order that all such counterfeits or imitations in the possession or under the control of any defendant in such case be delivered to an officer of the court, or to the complainant to be destroyed.

SEC. 5. Every person who shall use or display the genuine label, trade-mark, or form of advertisement of any such person, association or union, in any manner not authorized by such person, union or association, shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not less than three months nor more than one year, or by a fine of not less than one hundred dollars nor more than two hundred dollars, or both. In all cases where such association or union is not incorporated, suits under this act may be commenced and prosecuted by any officer or member of such association or union on behalf of and for the use of such association or union.

SEC. 6. Any person or persons who shall in any way use the name or seal of any such person, association or union, or officer thereof, in and about the sale of goods or otherwise, not being authorized to so use the same, shall be guilty of a misdemeanor, punishable by imprisonment in the county jail of not less than three months nor more than one year, or by fine of not less than one hundred dollars nor more than two hundred dollars, or both.

SEC. 7. The fines provided for in this act may be enforced before a justice of the peace in all cases where the party complaining shall so elect, and in case of conviction before such justice of the peace the offender shall stand committed to the county jail until the fine and costs are fully paid, under the provisions of section 8, article IX of "An act to revise the law in regard to criminal jurisprudence," in force July 1, 1874, or otherwise.

Following is the Massachusetts act:

SECTION 1. Whenever any person, association or union of persons has adopted or shall hereafter adopt for his or its protection, any label, trade-mark or form of advertisement not previously adopted or owned

by any other person, firm, association or union, announcing that goods to which such label, trade-mark or form of advertisement is attached were manufactured by such person, or by a member or members of such association or union, and shall have duly filed copies of the same for record in the office of the secretary of the commonwealth, as provided in section four of this act, it shall be unlawful for any person or corporation to counterfeit or imitate such label, trade-mark or form of advertisement. Every person violating the provisions of this section shall, upon conviction, be punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding six months, or both.

SEC. 2. Every person who shall use any counterfeit or imitation of any label, trade-mark or form of advertisement of any such person, union or association, copies of which have been duly filed for record in the office of the secretary of the commonwealth, as provided in section four of this act, knowing the same to be counterfeit or imitation, shall be guilty of a misdemeanor, and shall be punished by a fine not exceeding two hundred dollars or by imprisonment not exceeding six months, or both such fine and imprisonment.

SEC. 3. Every manufacturer who shall knowingly use or affix the genuine label or trade-mark adopted by any person, association or union, as herein provided, and filed in the office of the secretary of the commonwealth, as provided in section four of this act, upon any goods not manufactured by such person, or by a member or members of such association or union, shall be punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding one year, or both such fine and imprisonment.

SEC. 4. Every such person, association or union that has heretofore adopted, or shall hereafter adopt, a label, trade-mark or form of advertisement, as provided in section one of this act, may file the same for record in the office of the secretary of the commonwealth, by filing two copies, counterparts or facsimiles thereof, with said secretary, who shall file therewith a certificate specifying the name or names of the person, association or union so filing such label, trade-mark or form of advertisement, his or its residence, location or place of business, the class of merchandise and the particular description of goods comprised in such class to which it has been or is intended to be applied, and the length of time, if any, during which it has been so used. Such certificate shall be accompanied by a written declaration under oath by the person or some officer of the association or union to whom it is filed, to the effect that the party so filing such label, trade-mark or form of advertisement has a right to the use of the same, and that no other person, firm, association, union or corporation has any right to such use, either in the identical form or in any form so closely resembling thereto as may be calculated to deceive, and that the counterparts, copies or counterparts filed therewith are true and correct. There shall be paid for such filing the fee of one dollar. Any person who shall procure the filing of any label, trade-mark or form of advertisement in the office of the secretary of the commonwealth, in violation of the provisions of this act, by making any false or fraudulent representation or declaration, verbally or in writing, or by any fraudulent means, shall be liable to pay any damages sustained in consequence of any such violation, to be recovered by the party injured thereby in an action of law. He shall be punished by a fine not exceeding two hundred dollars or by imprisonment not exceeding six months, or both such fine and imprisonment. Said secretary shall deliver to such person, asso-

union so filing the same a duly attested certificate of the record of the same, for which he shall receive the fee of one dollar. Such certificate of record shall in all suits and prosecutions under this act be sufficient proof of the adoption of such label, trade-mark or form of advertisement. No label, trade-mark or form of advertisement shall be recorded that would reasonably be mistaken for a label, trade-mark or form of advertisement already on record.

SEC. 5. Every such person, association or union which has adopted a label, trade-mark or form of advertisement, as provided in section one of this act, and that has duly filed copies of the same for record in the office of the secretary of the commonwealth, as provided in section four of this act, may proceed by suit to enjoin the manufacture, use or sale of any such counterfeits or imitations; and all courts having jurisdiction thereof shall grant injunctions to restrain such manufacture, use or sale, and shall award the complainant in such suit such damages resulting from such wrongful manufacture, use or sale as may by said court be deemed just and reasonable, and shall require the defendant to pay to such person, association or union the profits derived from such wrongful manufacture, use or sale, and such court may also order

such counterfeits or imitations in the possession or under the control of any defendant in such case be delivered to an officer of the court or to the complainant, to be destroyed. In all cases where such suit is brought and the defendant is not incorporated, suits under this act may be brought and prosecuted by any officer of such association or union, or by any person for and for the use of such association or union, and every such association or union shall be liable for costs in any such proceeding.

The secretary of the commonwealth is authorized to make regulations, and prescribe forms for the filing of labels, trade-marks and forms of advertisement, under the provisions of this act.

In any suit or prosecution under the provisions of this act the defendant may show that he or it was the owner of such label, trade-mark or form of advertisement, prior to its being filed under the provisions of this act, and that it has been filed wrongfully or without the consent of some other person, association or union.

RECENT REPORTS OF STATE BUREAUS OF LABOR STATISTICS.

KANSAS.

Twelfth Annual Report of the Kansas Bureau of Labor and Industry.
1896. William G. Bird, Commissioner. 105 pp.

The following subjects are treated in this report: Milling industry, 12 pages; packing industry, 4 pages; cigar industry, 6 pages; creamery industry, 3 pages; bookbinders and printers, 3 pages; poultry packing industry, 1 page; two important manufacturing enterprises in Kansas, 3 pages; lead and zinc mines, 4 pages; general manufacturing industries, 12 pages; wage earners, 35 pages; labor organizations, 10 pages.

THE MILLING INDUSTRY.—Information on this and the other subjects treated in the report was obtained chiefly by means of blank schedules mailed to the various establishments. In this industry responses received from 82 establishments show an aggregate invested capital of \$3,010,549, which is probably less than one-half of the capital invested in the milling industry in the entire State. Following is a summary of the principal data presented for the milling industry:

MILLING STATISTICS FOR THE YEAR ENDING DECEMBER 31, 1896.

Items.	Mills reporting.	Total.	Average per establishment.
Capital invested.....	82	\$3,010,549	\$36,714
Capacity, 24 hours' run, barrels.....	75	17,719	236
Output for year, barrels.....	61	1,693,886	27,769
Sets of rolls.....	78	923	11.8
Sets of buhrs.....	34	55	1.6
Materials:			
Wheat, bushels.....	65	7,875,423	121,160
Cost.....	62	\$4,568,834	\$73.691
Corn, bushels.....	55	907,300	16,496
Cost.....	48	\$146,016	\$3.012
All other grain, bushels.....	34	147,600	4,341
Cost.....	29	\$23,395	\$807
Products:			
Flour, wheat, pounds.....	53	285,371,538	5,384,369
Value.....	49	\$4,603,687	\$93.953
Corn meal, pounds.....	45	14,478,875	321,753
Value.....	41	\$199,371	\$2.068
Other flour or meal, pounds.....	19	1,796,500	94,553
Value.....	15	\$16,917	\$1.128
Offal, pounds.....	57	123,347,892	2,163,998
Value.....	50	\$382,786	\$7.656
Employees:			
Greatest number.....		811	
Smallest number.....		489	
Average number.....		555	
Total wages paid during year.....	70	\$338,758	\$4,839

THE PACKING INDUSTRY.—In point of magnitude the meat-packing industry is regarded as probably the most important in the State. Ten of the leading packing houses report a total of \$14,748,588 capital invested in this industry. Following is a summary of the information returned.

PACKING STATISTICS FOR THE YEAR ENDING DECEMBER 31, 1896.

Items.	Estab- lishments report- ing.	Total.	Average per estab- lishment.
Capital invested	10	\$14,748,588	\$147,486
Animals killed:			
Cattle	10	524,602	52,460
Calves	7	37,292	5,327
Sheep	8	407,720	50,965
Hogs	11	1,158,938	105,358
Lambs	2	360	180
Cost of raw material	8	\$48,027,610	\$6,003,451
Value of product	8	\$52,732,835	\$6,591,604
Wages paid during year	12	\$3,414,835	\$284,570
Average number of hands employed	12	6,190	516

THE CIGAR INDUSTRY.—Of 288 cigar manufacturers in the State, only 41 sent returns to the bureau. These reported a total invested capital of \$128,167. Twenty-eight establishments paid wages amounting to \$54,842 during the year.

THE CREAMERY INDUSTRY.—The production of milk, butter, and cheese has developed into an important industry in Kansas during recent years. In 1896 the total value of these products, as reported by the secretary of the State Board of Agriculture, was \$4,972,446. Forty-three creamery establishments making returns to the bureau reported a total invested capital of \$288,365. Of 27 establishments, 16 reported an increase and 11 a decrease of business as compared with 1895.

BOOKBINDERS AND PRINTERS.—Twenty establishments reported a total capital of \$259,300, and employed 357 persons. A total of \$118,837 in wages was paid by 19 establishments during the year. The average daily wages paid for skilled labor was \$2.33 in 18 establishments, and for ordinary labor \$1.12 in 16 establishments.

LEAD AND ZINC MINES.—This industry has been developed within a few years, and is reported to be growing rapidly in the southeastern section of the State. In 1896 about \$150,000 was invested in 35 ore mills or crushers. During that year these plants produced 124,464,150 pounds of zinc, valued at \$1,401,308, and 28,123,170 pounds of lead, valued at \$450,530. The value of the total production was \$556,497 in excess of that of the preceding year.

WAGE EARNERS.—This chapter contains a series of tables showing the social and economic condition of wage earners, as investigated by the bureau.

LABOR ORGANIZATIONS.—Returns were received by the bureau from 54 local unions, branches, or divisions of labor organizations. Detailed tables are presented showing membership, increase or decrease in membership, wages and hours of labor, annual dues, insurance features, and other information of interest to labor organizations. In the following table, which contains a summary of the more important facts returned, the local organizations are grouped according to their national or international titles.

STATISTICS OF LABOR ORGANIZATIONS, 1896.

Labor organizations.	Local unions, branches, or divisions.	Membership.		Dues per year.	Insurance.		
		Unions, etc., reporting.	Total membership.		Disability.	Sickness.	Death.
Brotherhood of Locomotive Engineers.....	14	13	545	\$0.75 to \$30.00	2	8	14
Brotherhood of Locomotive Firemen.....	10	6	172	2.00 to 26.00	5	4	9
Brotherhood of Painters and Decorators of America.....	1	1	35	6.25		1	1
Brotherhood of Railway Trainmen.....	9	6	122	1.00 to 33.00	3	3	9
Cigar Makers' International Union.....	6	4	105	13.00 to 15.00	2	0	6
International Association of Machinists.....	1	1	19	6.00		1	
International Typographical Union.....	3	3	55	3.00			3
Journeymen Barbers' International Union of America.....	2	2	60	7.20		2	2
Order of Railway Conductors.....	6	0	257	3.00 to 5.00	1	3	6
Retail Clerks' Union.....	1	1	27	3.00		1	
Switchmen's Union of North America.....	1			2.00		1	1

PENNSYLVANIA.

Annual Report of the Secretary of Internal Affairs of the Commonwealth of Pennsylvania. Vol. XXIV, 1896. Part III, Industrial Statistics. James M. Clark, Chief of Bureau. 648 pp.

This report treats of the following subjects: Individual time and earnings, 329 pages; statistics of manufactures, 246 pages; strikes and lockouts, 12 pages; statistics relating to prison manufacture, 19 pages; analysis, 29 pages.

INDIVIDUAL TIME AND EARNINGS.—The statistics presented show the actual earnings and time worked in the case of 2,381 wage earners for the entire year 1896, and in the case of 244 wage earners for the first six months. The actual earnings and hours worked during each month, and for the whole period, and the average daily earnings are shown for each individual workman. In the case of pieceworkers, the quantity worked is shown instead of the time. The industries represented in this investigation are pig metal, iron and steel, tin plate, textiles, and window glass. The information presented was copied by agents of the bureau from the original pay rolls.

STATISTICS OF MANUFACTURES.—The first part of this chapter consists of statistics regarding 1,162 establishments in various industries. A series of tables is given showing the amount of capital invested, the cost of material used and value of the products, the days in operation, the number of wage earners, the aggregate wages paid, and the average earnings in each establishment. The establishments are grouped under 96 industry headings. Of the 1,162 establishments, 1,156 reported an aggregate invested capital of \$195,639,976. The aggregate figures for the 1,162 establishments were as follows: Value of products, \$221,765,544; average number of days in operation, 286; average num-

ber of persons employed, 157,914; aggregate wages paid, \$58,666,882; per cent of wages of value of product, 26.5; average earnings for average time of employment during the year, \$371.51; average daily wages per employee, \$1.30.

Similar information, covering in each case the entire industry in the State, is given for pig iron, rolled and finished iron and steel, and tin plate. Comparative data are presented for 364 identical establishments, representing 50 industries, for the years 1892 to 1896, inclusive. These data comprise the average number of persons employed, the aggregate wages paid, the average yearly earnings, and the value of the product, and are shown in the following table:

STATISTICS OF 364 MANUFACTURING ESTABLISHMENTS FOR THE YEARS 1892 TO 1896.

Year.	Average persons employed.		Aggregate wages paid.		Average yearly earnings.		Value of product.	
	Number.	Per cent of increase.	Amount.	Per cent of increase.	Amount.	Per cent of increase.	Amount.	Per cent of increase.
1892.....	138,780		\$67,867,579		\$489.03		\$271,836,072	
1893.....	123,975	a 10.67	57,324,326	a 15.54	462.05	a 5.52	228,158,388	a 16.07
1894.....	110,892	a 10.55	45,683,345	a 20.31	411.91	a 10.85	187,338,625	a 17.89
1895.....	129,109	16.43	57,257,849	25.34	443.48	7.66	224,687,703	19.94
1896.....	119,670	a 7.31	52,573,123	a 8.18	439.32	a 9.1	213,517,584	a 4.97

a Decrease.

Comparing the year 1896 with 1892, the year of greatest activity in the series, it is found that there was a decrease of 21.45 per cent in the value of the product, of 13.77 per cent in the number of persons employed, of 10.17 per cent in the average yearly earnings per employee, and of 22.54 per cent in the aggregate wages paid. Of the 50 industries represented, 7 showed an increase in the value of the product, 10 in the number of persons employed, and 6 in the aggregate wages paid.

The entire production of pig iron during 1896 amounted to 4,026,350 tons, valued at \$45,172,039. Returns regarding other items are incomplete. Complete returns covering the production of 3,992,861 tons were as follows: Value of product, \$41,773,998; aggregate wages, \$4,551,120; average yearly wages per employee, \$396.30; average number of days in operation, 289.

The tabulated information relating to "iron and steel rolled into finished form" includes plates, sheets, cut nails, rails, billets, blooms, slabs, muck bar, bars, shapes, hoops, etc. The total production in 1896 was 4,297,864 tons, valued at \$126,782,279. The value of the material used was \$70,811,190, and the capital invested in all but 3 of the establishments reporting was \$120,620,912. An average of 53,573 wage earners were engaged in this production, earning wages amounting to \$23,832,628, or an average of \$444.86 per employee. The average time these establishments were in operation was 251 days.

The entire production of the 12 establishments manufacturing black plate in the State during 1896 was 158,106,490 pounds, of which 97,814,762 was tinned and 60,291,728 was not tinned. These establishments reported an aggregate invested capital of \$3,570,275. The tinned product was valued at \$3,157,699; the product not tinned was valued at \$1,475,462. These 12 establishments were in operation an average of 254 days, employed 3,144 wage earners, and paid \$1,435,400, or \$456.53 per employee in wages. Fourteen dipping works produced 41,773,941 pounds of tin and terne plate, valued at \$1,888,398, paid \$125,889 in wages to 447 employees, or \$281.63 per employee, and were in operation an average of 240 days during the year. The total production of black and tin and terne plate in the 26 establishments was 199,880,431 pounds, valued at \$5,045,097.

STRIKES AND LOCKOUTS.—Separate strikes occurred in 68 establishments, and one general strike among house painters involved 200 shops. The following table shows the strikes by industries:

STATISTICS OF STRIKES, 1896.

Industries.	Strikes.	Persons involved.	Others thrown out of employment.	Average days duration.	Cause or object.			Result.		
					For increase of wages.	Against reduction of wages.	Other.	Succeeded.	Succeeded partly.	Failed.
Coal mining	51	6,734	2,468	21	25	16	10	12	9	30
Blast furnaces	5	640	25	68	3	1	1		1	4
Limestone quarrying ..	4	525	26	26		4				4
Glassworks	2	770	210	12		1	1			2
Iron foundry	1	100	25	6			1	(a)	(a)	(a)
Nail mills	1	20	100	30			1			1
Machinery	1	112		74			1			1
Cotton goods	1	60	100	4			1	(b)	(b)	(b)
Hosiery	1	125		6			1			1
Clothing	1	68	25	(e)			1			1
House painting	1	1,000		73	1				1	
Total	69	10,154	2,979		29	22	18	d12	d11	d44

a Difference satisfactorily adjusted.

b Strike due to misapprehension on the part of employees.

c Not reported.

d See notes a and b.

Of the 69 strikes 24 were ordered by labor organizations, 36 were not so ordered, and in the case of 9 this information could not be ascertained. There was a loss in time of 323,854 days, or an average of 32 days per striker.

PRISON LABOR.—Returns received from the 10 institutions in the State show that there were 2,227 inmates employed in manufacture. The aggregate value of production sold on the market was \$524,271.38, that consumed by the institutions was \$79,493.70, and that remaining on hand at the close of the year was \$13,295.44, making a total value of \$617,060.52. The cost of material out of which the product was made was \$393,194.33, and the other expenses connected with the manufacture amounted to \$78,768.38. This information, together with amount invested in machinery, number of power, hand, and foot machines, and *number of days worked*, is given for each of the 10 institutions.

ELEVENTH REPORT ON THE ANNUAL STATISTICS OF MANUFACTURES IN MASSACHUSETTS.

The Annual Statistics of Manufactures, 1896. Eleventh Report. xi, 240 pp. (Issued by the Bureau of Statistics of Labor, Horace G. Wadlin, Chief.)

The information contained in this report is presented under the following subjects: Statistics of manufactures, 104 pages; selected industry presentations, 43 pages; analysis, 45 pages; industrial chronology, 46 pages.

The statistical presentations are based upon the returns made by 4,609 identical establishments, representing 77 classified industries, for each of the years 1895 and 1896. This does not, however, represent all the establishments and industries in the State.

The 4,609 establishments were conducted, in 1896, by 3,493 private firms and 1,070 corporations. This shows a decrease of 1.02 per cent in the number of private firms and an increase of 3.28 per cent in the number of corporations, over 1895. These figures, as those for previous years, show a tendency toward a corporate form of management. This tendency is further shown by the number of partners and stockholders. The total number of partners in private firms shows a decrease from 5,577 in 1895 to 5,482 in 1896, or 1.70 per cent, while the number of stockholders of corporations increased from 44,928 in 1895 to 46,143 in 1896, or 2.70 per cent. Of the partners in private firms in 1896, 95.46 per cent were males, 2.64 per cent were females, and 1.90 per cent were estates, etc. Of the stockholders of corporations, 57.49 per cent were males, 31.97 per cent were females, and 10.54 per cent were banks, trustees, etc.

The following table shows the items of invested capital, wages, value of stock used, and value of goods made and work done during the years 1895 and 1896 in the same 4,609 establishments:

STATISTICS OF MANUFACTURES IN 77 INDUSTRIES, 1895 AND 1896.

Industries.	Estab-lish-ments.	Capital invested.			Wages paid.		
		1895.	1896.	Per cent of in-crease.	1895.	1896.	Per cent of in-crease.
Boots and shoes	605	\$23, 172, 349	\$19, 990, 145	a 13. 73	\$20, 838, 682	\$20, 834, 331	a 0. 02
Carpentering	12	6, 008, 497	6, 020, 485	. 20	1, 709, 689	1, 443, 472	a 15. 57
Cotton goods	169	116, 141, 614	112, 902, 817	a 2. 79	26, 234, 125	25, 865, 194	a 1. 41
Leather	143	8, 479, 094	7, 329, 970	a 13. 55	3, 448, 203	2, 984, 515	a 13. 45
Machines and machinery ..	371	23, 167, 426	23, 733, 634	2. 44	9, 072, 676	9, 731, 509	7. 26
Metals and metallic goods ..	382	19, 177, 940	17, 613, 004	a 8. 06	7, 479, 643	7, 218, 118	a 3. 50
Paper and paper goods	123	24, 682, 633	23, 670, 894	a 4. 10	4, 723, 678	4, 476, 285	a 5. 24
Woolen goods	122	21, 932, 897	19, 186, 201	a 12. 52	5, 987, 401	4, 963, 615	a 17. 10
Worsted goods	27	15, 700, 666	15, 343, 809	a 2. 27	4, 490, 457	3, 848, 327	a 14. 30
Other industries	2, 655	132, 469, 647	127, 771, 202	a 3. 55	46, 860, 647	45, 548, 006	a 2. 80
Total	4, 609	390, 932, 763	373, 582, 161	a 4. 44	130, 845, 551	126, 913, 372	a 3. 01

a Decrease.

STATISTICS OF MANUFACTURES IN 77 INDUSTRIES, 1895 AND 1896—Concluded.

Industries.	Estab- lish- ments.	Stock used.			Goods made and work done.		
		1895.	1896.	Percent of in- crease.	1895.	1896.	Percent of in- crease.
Boots and shoes	605	\$55,559,505	\$53,883,477	a 3.02	\$89,938,212	\$87,945,168	a 2.22
Carpetings	12	4,336,556	3,302,865	a 23.84	7,213,798	5,674,637	a 21.34
Cotton goods	169	46,244,435	50,297,985	a 8.77	89,615,751	87,146,004	a 2.76
Leather	143	15,746,203	13,127,769	a 16.63	22,379,841	19,041,544	a 14.92
Machines and machinery ..	371	9,931,227	10,350,938	a 4.23	26,027,029	28,489,926	a 9.46
Metals and metallic goods ..	382	11,021,656	10,626,329	a 3.59	24,484,118	23,472,816	a 4.13
Paper and paper goods	123	14,830,407	13,625,290	a 8.13	25,023,375	23,044,582	a 7.93
Woolen goods	122	14,410,166	11,393,040	a 20.94	24,899,606	19,662,182	a 21.03
Worsted goods	27	13,133,003	10,861,550	a 17.30	20,599,046	17,827,246	a 13.46
Other industries	2,635	133,549,384	124,803,082	a 6.54	238,911,245	225,416,695	a 5.65
Total	4,609	318,753,542	302,272,325	a 5.17	569,097,021	537,720,294	a 5.51

a Decrease.

The results for the 4,609 establishments, taken as a whole, show a decrease in each of the 4 principal items given above, namely, amount of capital invested, wages paid, stock used, and goods made and work done when comparing the year 1896 with the preceding year. Only 1 of the 9 leading industries reports an increase in each of these items, while 6 of these industries report a decrease in every case.

The amount of capital invested in the 4,609 establishments was \$390,932,763 in 1895 and \$373,582,161 in 1896, a decrease of 4.44 per cent. Two of the 9 leading industries had an increase and 7 a decrease in the amount of capital invested. The greatest relative increase was 2.44 per cent in the machines and machinery industry, and the greatest relative decrease, 13.73 per cent, in the boot and shoe industry. The results for the 77 industries show that in 23 there was an increase and in 54 a decrease in the amount of capital invested.

The total amount of wages paid in all the establishments considered was \$130,845,551 in 1895 and \$126,913,372 in 1896, a decrease of 3.01 per cent. Only 1 of the 9 leading industries shows an increase in the amount of wages paid, namely, machines and machinery, 7.26 per cent. The greatest relative decrease was 17.10 per cent in the woolen goods industry. The results for all industries show that in 32 there was an increase and in 45 a decrease in the amount of wages paid.

The value of stock used in all the establishments, considered in the aggregate, shows a decrease from \$318,753,542 in 1895 to \$302,272,325 in 1896, or 5.17 per cent. Two of the 9 leading industries, namely, cotton goods and machines and machinery, showed an increase in the value of stock used in 1896 as compared with 1895, the percentages being 8.77 and 4.23, respectively. The greatest relative decrease was 23.84 per cent in the carpet industry. Of the 77 industries, 21 showed an increase and 56 a decrease in the value of stock used.

The total value of goods made and work done in the establishments considered was \$569,097,021 in 1895 and \$537,720,294 in 1896, or a decrease of 5.51 per cent. Only 1 of the 9 leading industries, machines

and machinery, exhibits an increase in the value of goods made and work done, the percentage of increase being 9.46. The greatest relative decrease in value of product was 21.34 per cent in the carpet industry. Of the 77 industries, 20 showed an increase and 57 a decrease in the product value.

The number of employees and their average yearly earnings are shown in the following table. Officers, clerks, and other salaried persons are not included in the tabulation.

AVERAGE NUMBER OF EMPLOYEES AND AVERAGE WAGES IN 77 INDUSTRIES,
1895 AND 1896.

Industries.	Estab- lish- ments.	Average number of em- ployees.			Average yearly earnings.		
		1895.	1896.	Per cent of in- crease.	1895.	1896.	Per cent of in- crease.
Boots and shoes.....	605	43,189	42,203	a 2.12	\$482.60	\$492.97	2.15
Carpetings.....	12	4,616	4,232	a 8.32	370.38	341.09	a 7.91
Cotton goods.....	169	79,795	78,058	a 2.18	328.77	331.36	.79
Leather.....	143	7,168	6,347	a 11.45	481.06	470.22	a 2.25
Machines and machinery.....	371	16,933	18,082	6.79	535.81	538.19	.44
Metals and metallic goods.....	382	14,694	11,242	a 3.08	599.03	596.82	a .43
Paper and paper goods.....	123	11,647	11,112	a 4.59	405.57	402.83	a .68
Woolen goods.....	122	16,139	13,671	a 15.29	370.99	361.08	a 2.13
Worsted goods.....	27	12,297	11,318	a 7.96	365.17	340.02	a 6.89
Other industries.....	2,655	101,121	99,221	a 1.88	453.41	450.06	a .94
Total.....	4,609	307,590	298,546	a 2.94	425.39	425.16	a .05

a Decrease.

The average number of wage earners employed in the 4,609 establishments was 307,590 in 1895 and 298,546 in 1896, a decrease of 2.94 per cent. In only 1 of the 9 leading industries, machines and machinery, an increase in the average number of persons employed appears, the percentage of increase being 6.79. The greatest relative decrease was 15.29 per cent in the woolen goods industry.

The average yearly earnings per individual employed in the 4,609 establishments was very nearly the same for the two years, being \$425.39 in 1895 and \$425.16 in 1896, or a decrease of 0.05 per cent. Three of the 9 leading industries, namely, boots and shoes, cotton goods, and machines and machinery, show an increase, while 6 exhibit a decrease in the average yearly earnings per employee. The greatest relative increase, 2.15 per cent, is shown in the boot and shoe industry, and the greatest relative decrease, 7.91 per cent, in the carpet industry. Of the 77 industries considered, 30 show an increase and 47 a decrease in the average yearly earnings.

The following table shows for 77 industries the percentage of males and females of the whole number employed at each specified weekly rate of wages.

PER CENT OF MALES AND FEMALES OF THE WHOLE NUMBER EMPLOYED AT SPECIFIED WEEKLY WAGES IN 77 INDUSTRIES, 1895 AND 1896.

Weekly wages.	1895.		1896.	
	Males.	Females.	Males.	Females.
Under \$5	38.17	61.83	37.68	62.32
\$5 or under \$6	37.04	62.96	36.73	63.27
\$6 or under \$7	47.96	52.04	48.69	51.31
\$7 or under \$8	58.69	41.31	57.76	42.24
\$8 or under \$9	66.86	33.14	66.90	33.10
\$9 or under \$10	80.58	19.42	81.12	18.88
\$10 or under \$12	86.81	13.19	86.63	13.37
\$12 or under \$15	93.68	6.32	94.03	5.97
\$15 or under \$20	97.48	2.52	97.23	2.77
\$20 or over	99.21	.79	99.95	1.05
Total	66.51	33.49	66.35	33.65

It will be seen from the above table that in both years the percentage of females of the total number of employees at each specified rate decreased as the wages advanced from \$5 upward. A comparison of the figures for the two years shows that the proportion of females increased in 1896 in the following six wage groups, namely, "under \$5," "\$5 or under \$6," "\$7 or under \$8," "\$10 or under \$12," "\$15 or under \$20," "\$20 or over." There was a slight increase in the proportion of females employed in all the establishments, taken in the aggregate, in 1896 as compared with the preceding year.

The fluctuations in the different wage classes are shown for all the industries in the following table, the totals of males, females, and both sexes, respectively, for all groups being represented by 100 per cent, and the number of employees in each wage class constituting parts of this aggregate :

PER CENT OF THE TOTAL MALES AND FEMALES AT SPECIFIED WEEKLY WAGES IN 77 INDUSTRIES, 1895 AND 1896.

Weekly wages.	1895.			1896.		
	Males.	Females.	Total.	Males.	Females.	Total.
Under \$5	8.39	26.99	14.62	8.22	26.82	14.48
\$5 or under \$6	5.68	19.17	10.20	5.64	19.15	10.19
\$6 or under \$7	8.57	18.47	11.89	8.82	18.33	12.02
\$7 or under \$8	9.55	13.36	10.83	9.55	13.77	10.97
\$8 or under \$9	9.16	9.01	9.11	9.51	9.27	9.43
\$9 or under \$10	12.34	5.91	10.18	12.35	5.67	10.10
\$10 or under \$12	14.10	4.25	10.80	13.88	4.22	10.63
\$12 or under \$15	16.07	2.16	11.41	15.93	2.00	11.24
\$15 or under \$20	12.17	.62	8.30	12.22	.69	8.34
\$20 or over	3.97	.06	2.66	3.88	.08	2.60
Total	100.00	100.00	100.00	100.00	100.00	100.00

The proportion of business done by the 4,609 establishments considered is shown in the following table. The percentages given represent the relation of the actual production to the greatest amount of goods that can be turned out with the present facilities, the latter being considered as 100 per cent. The table also shows the average number of *men in operation*.

PER CENT OF BUSINESS DONE AND AVERAGE DAYS IN OPERATION IN 77 INDUSTRIES, 1895 AND 1896.

Industries.	Estab-lish-ments.	Per cent of business done of maximum capacity of establishments.		Average days in operation.	
		1895.	1896.	1895.	1896.
Boots and shoes	605	62.04	58.61	284.64	282.30
Carpetings	12	73.50	68.25	299.63	241.14
Cotton goods	169	87.22	77.33	297.36	279.53
Leather	143	66.61	58.35	294.73	286.13
Machines and machinery	371	59.08	56.78	297.55	292.16
Metals and metallic goods	382	61.90	59.10	284.14	278.79
Paper and paper goods	123	73.96	70.77	287.34	272.56
Woolen goods	122	82.81	69.50	292.19	259.65
Worsted goods	27	85.56	70.30	305.64	279.35
Other industries	2,655	59.74	57.03	288.09	280.60
Total	4,609	62.56	58.98	291.56	279.43

A comparison of the two years 1895 and 1896 shows that in each of the 9 leading industries there was a decline in the proportion of business done in the latter year. Of the 77 industries represented, only 17 exhibited an increase. The production in the 9 leading industries in 1896 ranged from 56.78 to 77.33 per cent of the full capacity of the establishments. The average proportion of business done in all establishments in 1895 is represented by 62.56 per cent and in 1896 by 58.98 per cent.

There was also a falling off in the number of days in operation in 1896 as compared with 1895 in each of the 9 leading industries and in all the establishments taken in the aggregate. Only 18 of the 77 industries show an increase in the number of days worked. While the total number of working days in 1896, exclusive of Sundays and holidays, was 307, the average days worked in all the industries taken in the aggregate was 279.43.

The next table presents the actual product per \$1,000 of capital invested in each of the 9 leading industries, the average product per employee, the percentages of industry product paid in wages, and the percentages devoted to other expenses.

The largest industry product per \$1,000 of capital invested is found in the boot and shoe industry, \$1,703.92, while the smallest, \$326.37, is found in the cotton goods industry. With respect to the industry product per employee, the machines and machinery industry leads with \$1,003.15. The cotton goods industry again ranks lowest with regard to this point, the industry product per employee being \$472.06. When the percentage of industry product paid in wages is considered, the cotton goods industry leads, the percentage being 70.19, and the paper and paper goods industry ranks lowest, the percentage being 47.52.

INDUSTRY PRODUCT, WAGES, AND PROFIT AND EXPENSES IN 9 SPECIFIED INDUSTRIES, 1896.

[By "industry product" is meant the actual result of the productive forces in the industry; that is, the added value created above the value of stock and materials consumed. The values presented in this table under the designation "industry product" are obtained by deducting from the total value of goods made and work done in each industry the value of stock used, the difference being added value or actual product due to the industry. In the division of the proceeds of each industry, one part of this industry product is paid to the labor force in the form of wages, this being labor's share of the product. The balance constitutes a fund from which are paid freights, insurance, interest on loans (credit capital), interest on stock (fixed or invested capital), rents, commissions, salaries, etc.; in fact, all expenses other than those for stock and wages. The remainder, if any, is the profit of the employer. The entire balance of the industry product remaining after the deduction of the amount paid in wages becomes a "profit and minor expense fund," and is thus designated in the table. Of course it will be understood that the term "minor expense" is relative. The expenses paid out of this balance are in themselves considerable in amount, and are only to be classed as minor in comparison with the generally larger amounts expended for materials (stock) and wages.]

Industries.	Industry product.	Wages.	Profit and minor expense fund.	Industry product.		Percentage of industry product.	
				Per \$1,000 of capital.	Average per employee.	Paid in wages.	Devoted to profit and minor expenses.
Boots and shoes	\$34,061,691	\$20,834,331	\$13,227,360	\$1,703.92	\$805.95	61.17	38.83
Carpentering	2,371,772	1,443,472	928,300	393.95	560.44	60.86	39.14
Cotton goods	30,818,010	25,865,194	10,982,825	326.37	472.06	70.19	29.81
Leather	5,913,775	2,984,515	2,929,260	806.79	931.74	50.47	49.53
Machines and machinery	18,138,982	9,731,509	8,407,473	764.27	1,003.15	53.65	46.35
Metals and metallic goods	12,845,987	7,218,118	5,627,869	728.52	901.98	58.19	41.81
Paper and paper goods	9,419,292	4,476,285	4,943,007	397.93	847.67	47.52	52.48
Woolen goods	8,269,142	4,963,615	3,305,527	430.99	604.87	60.03	39.97
Worsted goods	6,965,696	3,818,327	3,117,369	453.97	615.45	55.25	44.75

The following table shows the increase or decrease in the value of goods made and work done each year, as shown by former published reports, beginning with the year 1886:

INCREASE OR DECREASE IN VALUE OF GOODS MADE AND WORK DONE, BY COMPARATIVE YEARS 1886 to 1896.

Years.	Number of establishments considered in each year compared.	Increase in value of goods made and work done in each year as compared with the previous year.	
		Amount.	Per cent.
1886 and 1887	1,027	\$17,919,859	5.29
1887 and 1888	1,140	11,168,095	3.61
1888 and 1889	1,364	9,653,992	2.45
1889 and 1890	3,041	22,838,970	4.37
1890 and 1891	3,745	8,068,653	1.33
1891 and 1892	4,473	33,180,865	5.37
1892 and 1893	4,397	51,793,852	8.10
1893 and 1894	4,093	56,793,448	10.27
1894 and 1895	3,629	43,048,021	9.18
1895 and 1896	4,609	31,376,727	5.51

a Decrease.

RECENT FOREIGN STATISTICAL PUBLICATIONS.

FRANCE.

Note sur le Minimum de Salaire dans les Travaux Publics en Angleterre, en Belgique, en Hollande, en Suisse, aux États-Unis et en France. Office du Travail, Ministère du Commerce, de l'Industrie, des Postes et des Télégraphes. 1897. 129 pp.

This report consists of an analysis of official documents relating to the subject of minimum wages paid to employees on public works, or in the public service, in England, Belgium, Holland, Switzerland, the United States, and France, and is published by the Bureau of Labor of France at the request of the superior council of labor (*conseil supérieur du travail*). The report further consists of extracts of laws and regulations of the various countries, States, and municipalities which relate to the fixing of minimum wages and the hours of labor, of reports of parliamentary and other commissions which have investigated this subject, of proposed laws and regulations, and of other similar documents.

NEW ZEALAND.

Sixth Annual Report of the Department of Labor of New Zealand. For the year ending March 31, 1897. Hon. R. J. Seddon, Minister of Labor. xxviii, 55 pp.

This report contains an introduction, 28 pages; statistics concerning persons assisted by the Department of Labor, 7 pages; accounts of accidents and legal decisions, etc., under the factories act, 4 pages; number and wages of employees in factories, 40 pages; number and wages of employees in railway workshops, 2 pages; report on accommodations provided for sheep shearers, 2 pages.

INTRODUCTION.—This part of the report consists of a review of the condition of the labor market and of conciliation and arbitration during the year, discussions on the subjects of the shop and shop assistants' act, hours of labor in factories and shops, workmen's compensation, the servants' registry act, and domestic servants. It also contains individual reports of local inspectors of factories and of agents of the Department of Labor.

A steady advance is shown both in wages and employment during the year. There has been a falling off in the number of the unemployed assisted to the extent of about one-half of those aided in each of the years 1893, 1894, and 1895. The number of persons employed in factories and workshops has increased by several thousand, and the applications to work overtime granted to those already in employment have **also increased.**

PERSONS ASSISTED.—Detailed tables are presented showing by occupations and localities the number of persons assisted by the department in obtaining employment, their conjugal condition, nature of employment given, whether public or private, number of dependents, number of months unemployed, and cause of failure to obtain work.

The total number of persons assisted during the year was 1,718, and their dependents numbered 4,719. Of the dependents, 1,083 were wives, 3,437 were children, and 199 were parents and other relatives. Of the persons assisted, 652 were sent to private employment and 1,066 to Government works. The cause for failure to get employment was slackness of trade in 1,701 cases and sickness in 17 cases. Thirty-seven families, consisting of 37 wives and 67 children, were sent to workmen. The following table shows the number of persons assisted, and their dependents, for each year since the founding of the department:

PERSONS ASSISTED, 1892 TO 1897.

Year ending March 31—	Men.	Dependents.
1892 (a)	2,593	4,729
1893	3,874	7,802
1894	3,371	8,002
1895	3,030	8,883
1896	2,871	8,424
1897	1,718	4,719
Total	17,457	42,559

a June, 1891, to March 31, 1892.

EMPLOYEES IN FACTORIES.—The statistical tables presented cover all employees coming under the factories' act during the fiscal year. They show by localities and industries the number, sex, and average weekly wages of all employees, and also the ages of those of 20 years and under. There were during the fiscal year 36,918 persons employed in 5,177 factories. This is an increase of 4,531 in the number of employees and of 530 in the number of factories.

EMPLOYEES IN RAILWAY WORKSHOPS.—The statistics presented for employees in railway workshops are of a character similar to those for employees in factories. During the fiscal year 916 men and 137 apprentices were employed in the railway workshops and maintenance depots.

DECISIONS OF COURTS AFFECTING LABOR.

[This subject, begun in Bulletin No. 2, has been continued in successive issues. All material parts of the decisions are reproduced in the words of the courts, indicated when short by quotation marks and when long by being printed solid. In order to save space, immaterial matter, needed simply by way of explanation, is given in the words of the editorial reviser.]

DECISIONS UNDER STATUTORY LAW.

CONSTITUTIONALITY OF STATUTE—HOURS OF LABOR—*Holden v. Hardy* and *State v. Holden*, 46 *Pacific Reporter*, pages 756 and 1105.—In the above cases, appearing on page 387 of Bulletin No. 10 and page 508 of Bulletin No. 11 of the Department of Labor, the constitutionality of chapter 62, Laws of Utah of 1896, making eight hours a legal day's labor in mines, smelters, etc., was affirmed by the supreme court of the State. The cases were then brought before the Supreme Court of the United States, which rendered its decision February 28, 1898, sustaining the decisions of the State court. A full report of the case will appear in a forthcoming Bulletin.

CONSTITUTIONALITY OF STATUTE—TAX ON FOREIGN-BORN UNNATURALIZED LABORERS—*Fraser v. McConway and Torley Company*, 82 *Federal Reporter*, page 257.—This suit was brought in the United States circuit court for the district of Pennsylvania by John Fraser, a subject of the Queen of Great Britain, against the above-named company, a Pennsylvania corporation. The cause of action arose under act No. 139, Laws of Pennsylvania of 1897, the title of which reads as follows:

Regulating the employment of foreign-born unnaturalized male persons over twenty-one years of age, and providing a tax on the employers of such persons, and prescribing a penalty for violation of the provisions of said act, and directing the manner of collecting the same, and providing that the amount of such tax may be deducted from the wages of persons affected by the provisions hereof.

The circuit court rendered its decision August 26, 1897, and decided that the act was unconstitutional. A statement of the facts in the case appears in the following opinion of the circuit court, delivered by Circuit Judge Acheson:

The first section of an act of assembly of the State of Pennsylvania approved the 15th day of June, 1897, provides:

"That all persons, firms, associations or corporations employing one or more foreign-born unnaturalized male persons over twenty-one years of age within this Commonwealth, shall be and are hereby taxed at the rate of three cents per day for each day each of such foreign-born unnaturalized male persons may be employed, which tax shall be paid into the respective county treasuries; one half of which tax to be distributed among the respective school districts of each county, in proportion to

the number of schools in said districts, the other half of said tax shall be used by the proper county authorities for defraying the general expenses of county government."

It is further provided by the act:

"That all persons, firms, associations and corporations shall have the right to deduct the amount of the tax provided for in this act from the wages of any and all employees, for the use of the proper county and school district as aforesaid."

As the employer is authorized by the act to deduct from the wages of the employee the prescribed tax, it is quite clear that the tax is upon the employee, and not upon the employer. (*Bell's Gap R. Co. v. Pennsylvania*, 134 U. S., 232, 239, 10 Sup. Ct., 533.)

The court is here called upon to consider whether these provisions of this act of assembly are in conflict with the Constitution or laws of the United States. The fourteenth amendment to the Constitution of the United States declares:

"Nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

The general purpose and scope of these constitutional provisions were thus stated by Mr. Justice Field in delivering the opinion of the Supreme Court of the United States in *Barbier v. Connolly*, 113 U. S., 27, 5 Sup. Ct., 359:

"The fourteenth amendment, in declaring that no State 'shall deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws,' undoubtedly intended not only that there should be no arbitrary deprivation of life or liberty, or arbitrary spoliation of property, but that equal protection and security should be given to all under like circumstances in the enjoyment of their personal and civil rights; that all persons should be equally entitled to pursue their happiness, and acquire and enjoy property; that they should have like access to the courts of the country for the protection of their persons and property, the prevention and redress of wrongs, and the enforcement of contracts; that no impediment should be interposed to the pursuits of any one, except as applied to the same pursuits by others under like circumstances; that no greater burdens should be laid upon one than are laid upon others in the same calling and condition, and that in the administration of criminal justice no different or higher punishment should be imposed upon one than such as is prescribed to all for like offenses."

Congress has enforced the above quoted provisions of the fourteenth amendment by legislation embodied in sections 1977 and 1979 of the Revised Statutes. The former of these sections enacts:

"All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property, as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other."

It will be perceived that this statute, following in this regard the constitutional provisions themselves, embraces within its protection not citizens merely, but all "persons" within the jurisdiction of the United States. The question of the extent of the application of these constitu-

1 provisions with respect to persons was before the Supreme Court in *Wo v. Hopkins*, 118 U. S., 356, 369, 6 Sup. Ct., 1904, and it was

there decided that the guaranties of protection contained in the fourteenth amendment to the Constitution embraced subjects of the Emperor of China residing in the State of California. Mr. Justice Matthews, in delivering the opinion of the supreme court there, said:

"The fourteenth amendment to the Constitution is not confined to the protection of citizens. It says: 'Nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.' These provisions are universal in their application to all persons within the territorial jurisdiction, without regard to any differences of race, of color, or of nationality; and the equal protection of the laws is a pledge of the protection of equal laws."

There can be no doubt that the fourteenth amendment embraces the case of the present plaintiff, who, although a British subject, is, and since about April 27, 1893, has been a resident of the State of Pennsylvania, and whose right to reside within the United States is secured to him by treaty between the United States and Great Britain.

Can the tax laid by the Pennsylvania act of June 15, 1897, be sustained consistently with the principles enunciated by the Supreme Court of the United States in the cases which have arisen under the fourteenth amendment? I think not. This tax, as we have seen, is imposed "at the rate of three cents per day for each day each of such foreign-born unnaturalized male persons may be employed." The tax is of an unusual character, and is directed against and confined to a particular class of persons. Evidently the act is intended to hinder the employment of foreign-born unnaturalized male persons over 21 years of age. The act is hostile to and discriminates against such persons. It interposes to the pursuit by them of their lawful avocations obstacles to which others, under like circumstances, are not subjected. It imposes upon these persons burdens which are not laid upon others in the same calling and condition. The tax is an arbitrary deduction from the daily wages of a particular class of persons. Now, the equal protection of the laws declared by the fourteenth amendment to the Constitution secures to each person within the jurisdiction of a State exemption from any burdens or charges other than such as are equally laid upon all others under like circumstances. The R. R. Tax Cases, 13 Fed., 722, 733: The court there, in discussing the prohibitions of the amendment, said:

"Unequal exactions in every form, or under any pretense, are absolutely forbidden; and, of course, unequal taxation, for it is in that form that oppressive burdens are usually laid."

It is idle to suggest that the case in hand is one of proper legislative classification. A valid classification for the purposes of taxation must have a just and reasonable basis, which is lacking here. R. R. Co. v. Ellis, 165 U. S., 150, 165, 17 Sup. Ct., 261: Mr. Justice Brewer, in delivering the opinion of the court there, said:

"It is apparant that the mere fact of classification is not sufficient to relieve a statute from the reach of the equality clause of the fourteenth amendment, and that in all cases it must appear not only that a classification has been made, but also that it is one based upon some reasonable ground—some difference which bears a just and proper relation to the attempted classification—and is not a mere arbitrary selection."

I am of opinion that the act of assembly of the State of Pennsylvania of June 15, 1897, here in question, is in conflict with the Constitution and laws of the United States, and can not be sustained.

[For act No. 130, Laws of Pennsylvania of 1897, concerning which the above decision was rendered, see page 283, post.]

EMPLOYERS' LIABILITY—ASSUMPTION OF RISK—CONSTRUCTION OF STATUTE—*Beique v. Hosmer*, 48 *Northeastern Reporter*, page 338.—Action was brought in the superior court of Hampden County, Mass., by Lewis Beique against John R. Hosmer for damages for injuries received while working on a building which was being constructed. Judgment was rendered for the defendant, Hosmer, and Beique brought the case on exceptions before the supreme judicial court of the State, which rendered its decision November 24, 1897, overruling the exceptions and affirming the judgment of the lower court.

The facts in the case are sufficiently stated in the opinion of the supreme judicial court, delivered by Judge Morton, which reads as follows:

The hole through which the plaintiff fell was not cut by the defendant or by his direction or that of anyone in his employ. It was cut by one Prew, under authority from one Dodge, the general contractor, for purposes connected with Prew's work, and not with that of the defendant. If, therefore, there was any negligence on the part of the defendant or of his superintendent, it was not in causing the hole to be cut. It appears, however, that the defendant and his superintendent knew for several weeks before the accident that the hole was there, and it is said that they should have covered or guarded it, or have warned the plaintiff of it. The plaintiff was an experienced workman. The building on which he was working was in the process of construction. Obviously, the condition of such a building is not a permanent one, but is liable to change as the necessities of construction require. An experienced workman must be assumed to know this and to have regard to it. It is one of the risks of the business in which he is engaged. To require his employer to warn him or to guard him against such a risk would be, therefore, to compel the employer to protect him from a risk concerning which, from the very nature of the case, the employer would have no reason to suppose that the workman needed any warning or protection. Though the hole had been there several weeks, there is nothing to show that the defendant had any reason to suppose that the plaintiff needed any warning or protection in regard to it.

We think that the building was not "ways, works, or machinery connected with or used in the business" [Chapter 270, acts of 1887] of the defendant, and that, therefore, the hole did not constitute a defect in the ways, works, and machinery of the defendant. When completed, the building would no doubt constitute a part of the ways, works, and machinery of the Lyman Mills, for which it was being erected; but, while in the process of erection, it could not be said, we think, to be a part of the ways, works, and machinery of a subcontractor who was helping to build it. Exceptions overruled.

EMPLOYERS' LIABILITY — RAILROAD COMPANIES — DEFECTIVE CARS—*Pittsburgh and Western Ry. Co. v. Thompson*, 82 *Federal Reporter*, page 720.—This case was brought before the United States circuit court of appeals for the sixth circuit upon writ of error directed to the circuit court of the United States for the eastern division of the northern district of Ohio. Said writ was obtained by the above-named railway

company, against whom a judgment had been rendered in the lower court in a suit for damages brought against the company by Samuel M. Thompson, guardian of Frank H. Wakelee, who had been injured while in the employ of the railway company as a brakeman. The decision of the United States circuit court of appeals was rendered October 5, 1897, and the judgment of the lower court was affirmed therein. In its opinion said court construed the second section of an act of the Ohio legislature passed April 2, 1890, regulating the liability of railroad companies for injuries of employees, which section reads as follows:

It shall be unlawful for any such corporation to knowingly or negligently use or operate any car or locomotive that is defective, or any car or locomotive upon which the machinery or attachments thereto belonging are in any manner defective. If the employee of any such corporation shall receive any injury by reason of any defect in any car or locomotive, or the machinery or attachments thereto belonging, owned and operated, or being run and operated by such corporation, such corporation shall be deemed to have had knowledge of such defect before and at the time such injury is so sustained, and when the fact of such defect shall be made to appear in the trial of any action in the courts of this State, brought by such employee, or his legal representatives, against any railroad corporation for damages on account of such injuries so received, the same shall be prima facie evidence of negligence on the part of such corporation.

The following is the language used in the opinion of the United States circuit court of appeals, delivered by Circuit Judge Lurton, in regard to the above-quoted section:

Propositions Nos. 2, 5, 6, 7 and 8 presented different phases of the question of the presumption as to the proper inspection of cars and machinery coming upon one road from another, and of the discharge of duty by inspectors. Each of these requests was faulty in totally ignoring the Ohio statute of April 2, 1890, the second section of which provides that it shall be unlawful for any railroad company to knowingly or negligently use or operate any defective car, and that, in actions by an employee for an injury by reason of such defect, the company shall be deemed to have had knowledge of such defect, and that this presumption shall stand as prima facie evidence of negligence on the part of the company. (87 Ohio Laws, p. 149.) This act was construed by the supreme court of Ohio in *Ry. Co. v. Erick*, 51 Ohio St., 146, 37 N. E., 128, the court saying:

--The presumption of knowledge of the defect before and at the time of the injury is, by this statute, chargeable to the company; and this statutory presumption can not be overcome by proof of facts which only raise a presumption that the company did not have such knowledge. Competent and careful inspectors are presumed to properly inspect the cars and their attachments, but such presumption would not overcome the statutory presumption of knowledge of defects before and at the time of the injury. It would take an actual and proper inspection, or its equivalent, to overcome the statutory presumption of knowledge of such defects. It will be noticed that this section of the statute also provides that, in the trial of a personal injury case against a railroad company, the fact of such defect in its cars or their attachments shall be prima facie evidence of negligence on the part of such

corporation. It will be noticed that it is not the servants or such as are fellow-servants that are deemed guilty of negligence, but the corporation itself. In such case, when the plaintiff has shown that he was injured, and that such injury was caused by a defect in the cars or their appliances, the statute raises the presumption of negligence on the part of the company, and the burden of proof is thrown upon the company to overcome the prima facie case of negligence thus made by the statute."

There was no direct evidence that this car was ever inspected by this company, and the question as to whether such an inspection was ever in fact made by the plaintiff in error was submitted to the jury, who found that no inspection was made when received by the defendant company. The statutory presumption of negligence was therefore not overcome. The judgment must be affirmed.

DECISIONS UNDER COMMON LAW.

CONTRACT OF EMPLOYMENT—WRONGFUL DISCHARGE—*St. Louis, Iron Mountain and Southern Ry. Co. v. Mathews*, 42 *Southwestern Reporter*, page 902.—This case was appealed from the circuit court of Pulaski County, Ark., by the above-named railway company, against which a judgment had been rendered in favor of W. J. Mathews, as plaintiff, to the supreme court of the State, which rendered its decision November 6, 1897, and reversed the judgment of the circuit court.

The opinion of the supreme court was delivered by Judge Battle, and the following, showing the reasons for the decision and the facts in the case, is quoted therefrom:

The complaint filed in the action is as follows:

"The plaintiff is by profession a locomotive engineer, and has been such for many years, and for over four years past he has been in the employment of the St. Louis, Iron Mountain and Southern Ry. Co. as such locomotive engineer, working under a contract, a copy of which is herewith filed, and made part hereof. By article 1 of said contract it is provided: 'No engineer shall be discharged or suspended without just and sufficient cause, and in case an engineer believes his discharge or suspension to have been unjust, he shall make a written statement of the facts in the premises, and submit it to his master mechanic, and at the same time designate any other engineer who may be in the employ of the company at the time, on the same division; and the master mechanic, together with the engineer last referred to, shall, in conjunction with the superintendent, investigate the case in question, without unnecessary delay, and give prompt decision, and, in case the aforesaid discharge or suspension is decided to have been unjust, he shall be reinstated, and paid half time for all the time he has lost on such account.'

"By rules 13, 14, 16, and 17 of said contract it is provided that engineers shall be employed and discharged in the order of their seniority, the oldest engineer in service being entitled to be first employed, and the youngest engineer in the service being subject to be first discharged in case the company should reduce its force.

"The plaintiff was one of the oldest engineers in the service of the company, and, there being no possibility of the requirements of the

service being diminished to such an extent as ever to necessitate his discharge under the contract, his employment was for life, or during good behavior.

"The plaintiff was earning under that contract from \$135 to \$185 per month, and would have continued to earn that sum during the remainder of his natural life, but on the 2d day of January, 1894, in violation of said contract, and without cause, the plaintiff was, by the defendant, discharged from its service.

"Plaintiff has pursued the steps required by said article 1 for reinstatement, but the master mechanic of the defendant, acting under its orders, and without cause, refuses to reinstate him in the service.

"The plaintiff therefore prays judgment for the sum of \$10,000."

Rules 13, 14, 16, and 17, referred to in the complaint, are as follows:

"(13) When, from temporary slackness of business, an engineer in road service is thrown out of employment, he will be reduced from passenger to freight service, from freight to pusher service, and from pusher to switch-engine service, according to his seniority on the division. If it is necessary to lay off an engineer, the youngest engineer in switch-engine service will be taken off. This not to apply to switch engineers who are not eligible to road or pusher service by reason of not having fired on the road, or having waived their rights to same.

"(14) During slackness of business, employment for surplus engineers will be found, if possible, on other parts of the system where needed, in preference to hiring new men, or promoting men already in service, with the understanding that whoever accepts such temporary transfer will be required to remain until business on his own territory justifies his recall by his own master mechanic. No man to be promoted, or engineer hired, during absence of such transferred engineer, and while subject to recall to his own division, unless to meet an emergency or pressing demand of business; in which case such newly hired or promoted engineer shall hold no rights over the absent engineer. Men so transferred will hold seniority rights on their own territory for a period of six months only, unless the master mechanic of the territory to which they are transferred finds it necessary for dispatch of business to retain them for a longer period. Further, they have a preference, in accordance with seniority, to any engine becoming vacant on their own territory over extra men still remaining on said territory. If, after accepting such transfer, they return to their own territory before they are recalled by their own master mechanic, they shall be considered new men on said territory.

"(16) Promotions of engineers will be made according to seniority from switch-engine service to pusher-engine, if any, on the division, and from pusher service to road service.

"(17) When a passenger engine becomes vacant, the oldest freight engineer on the division where the vacancy occurs is entitled to the same. When a freight engine becomes vacant, the oldest freight [pusher?] engineer in regular service on the division where the vacancy occurs is entitled to the same. When any run becomes vacant, and the engineer entitled to said run refuses same, he loses his right to this run only, but will retain his rights, according to seniority, to next vacancy that may occur. When a passenger run extends over two or more freight divisions, each division is entitled to representation pro rata upon said run, each freight division selecting a representative in turn, as may be agreed upon by the divisions interested. In the absence of regular passenger engineer, when the extra passenger engineer is not available, the oldest

freight engineer on the division shall be assigned to this service. Any freight engine becoming vacant for a period of fifteen days or more shall be given the oldest extra freight engineer. No engineer shall be allowed to run on territory other than that to which he is assigned, except in case engineers assigned to such territory are not available. This shall not apply to systems officers, specials."

The defendant, answering, admitted that the plaintiff was a locomotive engineer, and was in its employ as such on the 2d day of January, 1894, and that it had entered into an agreement with the engineers in its employment, which became effective on the 1st of January, 1892, and was in force on January 1, 1894, and that article 1 of the agreement is set out in the complaint; but denied all the other allegations of the complaint, and averred that it discharged him from its service on the 2d of January, 1894, for gross negligence, and stated in what it consisted.

The issues in the case were tried by a jury. In the trial it was shown that the plaintiff was employed by the defendant as a locomotive engineer. On the 2d of January, 1894, while he was in the employment of the defendant, he was in control of one of its locomotives pulling a freight train going north. When near Higginson station, 50 miles north of Little Rock, the boiler exploded. The company discharged him, and he demanded an investigation, under article 1 of his agreement. He designated M. W. Cadle as the person who should make the investigation in conjunction with the master mechanic of the defendant. Cadle and the plaintiff appeared before the master mechanic, and demanded the investigation, which was granted. They made a joint examination of the boiler, and together discussed the cause of the explosion. The master mechanic reached the conclusion that the cause was the failure of the engineer to keep the boiler supplied with a sufficient quantity of water, and so reported to the proper officer. Cadle made no announcement of his conclusion—perhaps disagreed with the other arbitrator. No appeal to the superintendent was made, and no other investigation was demanded.

The names appended to the rules before referred to were those of Frank Reardon, the superintendent of the locomotive and car department of the Missouri Pacific Railroad Company, and of George C. Smith, the general manager of the same company. The rules were agreed upon by the Brotherhood of Locomotive Engineers and the company, and were accepted by them as modifications of the agreement entered into by them, of which article 1 of plaintiff's contract was a part. There is no direct evidence that these rules were made a part of the contract of the plaintiff and defendant adduced, except that the plaintiff was a member of the Brotherhood of Locomotive Engineers, and the admission of the defendant that article 1 was a part of their contract.

Evidence was adduced in the trial on the part of the plaintiff to show that he was discharged without sufficient cause, and on the part of the defendant that the explosion of the boiler was occasioned by the negligence of the plaintiff in permitting the water to get too low, and for that reason he was discharged.

Appellant contends that the contract sued on is void, because it is contrary to public policy. The reason given for this contention is that it takes from it the right to discharge its employees without the approval of a board of arbitration, and thereby deprives the railroad company of the power to discharge those duties imposed upon it by *law which can be fully exercised only when it is allowed to discharge*

incompetent, careless, or inefficient servants, whenever, in its opinion, it may be necessary to do so. It is true that appellant undertook to reinstate any engineer who shall be discharged from its service whenever, upon his complaint, its master mechanic and superintendent, and an engineer selected by him, shall, upon investigation, decide that the charge was or is unjust. But if we assume that this stipulation is void because it is contrary to public policy, it may be eliminated without affecting the remainder of the contract; for it is separate and distinct from, and independent of, the other promises of the railroad company, which are legal, and the whole contract founded upon one lawful consideration—the services of appellee. If, therefore, it be illegal, it is void, and the remainder of the contract is valid. But appellee is not seeking to enforce the article as to arbitration. He has abandoned that, and now asks for compensation for the damages occasioned by his discharge. Assuming that he can waive the arbitration, is he entitled to recover? That depends upon the terms of his contract. This brings us at once to inquire what the stipulations of the contract were.

Appellee, for a stipulated consideration, agreed to serve appellant in the capacity of an engineer. There was no contract as to the time he should continue to serve. Appellant agreed to pay him according to certain rates for his services, not to discharge him without just cause, to promote him according to certain grades of service, and, when it saw fit to reduce the number of its engineers, to discharge them in the order of their juniority in service, first discharging the youngest, and then the next, and so continuing until the number should be sufficiently reduced. There might have been in these promises an implied undertaking on the part of appellant to retain appellee in its service so long as he should serve it acceptably as an engineer, unless he should be sooner discharged in the manner indicated. But we fail to discover any evidence of an agreement on the part of appellee to serve any specified time. Hence there was no contract that he would serve, and that the appellant would employ him, for any stated time—the agreement of both being necessary to fix the time of service—and, consequently, no violation of a contract by the discharge of appellee before the expiration of any particular time.

For the reasons given, we conclude that there was no breach of the contract, in the case before us, by the discharge of the appellee before the expiration of any particular period of time, and that he was not entitled to recover any sum except compensation for actual service.

Chief Justice Bunn, not agreeing with the conclusions of the court as above, delivered a dissenting opinion, which reads, in part, as follows:

The judgment in this case is reversed mainly, if not altogether, on the ground of a want of mutuality in the contract or agreement sued on, in this, that the said contract, while it in effect binds the appellant company to give the appellee permanent or life employment, with certain exceptions, it does not compel the appellee to continue in its service for any particular period, or to continue at all. In support of this theory the majority of the court cites, and mainly relies upon the rule of the common law as stated in, *Railroad Co. v. Scott* (Tex. Sup.), 10 S. W., 99, and *Bolles v. Sachs*, 37 Minn., 315, 33 N. W., 862, the first a railroad case, and the other a trader's employment case, and some cases therein cited. The case at bar is quite different, and therefore the authorities cited by the majority of the court, in my opinion, are more or less inapplicable, principally because they are decisions in which it

was not necessary for the courts rendering them to look away from the mere letter of the law, formulated in a different age, and in times when men's conditions as respect labor and employment, to the changed condition of things and circumstances by which we are now surrounded. The case at bar is not for refusal to employ, but for discharging unjustly and without a cause, which the contract forbade, and for refusing to keep the agreement to investigate the causes of discharge, and reinstate if found to be proper. The plea of want of mutuality in the contract or agreement sued on is simply to the effect that a railway company can not obligate itself to keep a competent engineer in its service for life, or as long as its business continues, and it needs the services of such a one, because that one may have the option to quit its service when his business, convenience, or pleasure may move him to do so. I can not refrain from expressing the opinion that the decision in this case is more far-reaching than any that has been rendered by this court in a long time. I am of the opinion that the contract or agreement sued on is not only not objectionable for want of mutuality, but, on the contrary, is the result of the best thought of men, both professional and practical, whose lives have been devoted to the peculiar and wonderfully complicated and intricate business of operating modern railways. It is, in fact, a necessity to the employee, and an advantage to the employer's business at the same time, that some such arrangement be had between them; and I think it should be embodied in their contracts rather than in attempts at legislation on the subject, for obvious reasons.

EMPLOYERS' LIABILITY—ASSUMPTION OF RISK BY EMPLOYEE AFTER GIVING NOTICE OF DEFECT IN MACHINERY TO MASTER—*Texas and New Orleans R. R. Co. v. Bingle*, 12 *Southwestern Reporter*, page 971.—Application was made to the supreme court of Texas for a writ of error to the court of civil appeals of the first supreme judicial district of the State to bring the case of Bingle against the Texas and New Orleans R. R. Co., in which a judgment for Bingle had been affirmed by the court of civil appeals, before it. Said application was refused and the railroad company made a motion for a rehearing on the same, and the supreme court rendered its decision November 29, 1897, and overruled said motion. The original action had been brought by Bingle to recover damages from the railroad company for injuries incurred while he was in its employ.

In its opinion, delivered by Chief Justice Gaines, the supreme court stated certain principles of the common law as follows:

The servant, by entering the employment of the master, assumes all the ordinary risks incident to the business, but not those arising from the master's neglect. It is the duty of the master to exercise ordinary care to furnish him a safe place in which to work, safe machinery and appliances, to select careful and skillful coworkers, and, in case of a dangerous and complicated business, to make such reasonable rules for its conduct as may be proper to protect the servants employed therein. The servant has the right to rely upon the assumption that the master *has done his duty*; but if he becomes apprised that he has not, and

learns that the machinery is defective, the place unnecessarily dangerous, or that proper rules are not enforced, he assumes the risk incident to that condition of affairs, unless he informs the master, and the latter promises to correct the evil. In this latter event, so long as he has reasonable grounds to expect, and does expect, that the master will fulfill his promise, he does not, by continuing in the employment, assume the additional risk arising from the master's neglect. If he then be injured by reason of that neglect, he may recover, provided it be found that a man of ordinary prudence, under all the circumstances, would have encountered the danger by continuing in the service. This we understand to be the rule in the English courts. It is the rule in the Supreme Court of the United States, and is supported by the weight of authority.

EMPLOYERS' LIABILITY—FELLOW-SERVANTS—ASSUMPTION OF RISKS BY EMPLOYEE, ETC.—*Moore Lime Co. v. Richardson's Administratrix*, 28 *Southeastern Reporter*, page 331.—In the circuit court of Botetourt County, Va., Richardson's administratrix recovered a judgment in an action for damages brought against the lime company above named for the death of Richardson, caused by injuries received while he was in the employ of said company. The company appealed to the supreme court of appeals of the State, which rendered its decision November 18, 1897, and reversed the judgment of the circuit court. The evidence showed that Richardson was a member of a gang of men employed to wheel wood to the lime kilns, to move cars on the switch to the points where they were to be loaded, and to load them; that one Whitmer, a member of the gang, receiving the same pay and doing the same work as its other members, usually directed them when and where the cars were to be moved, and in doing this work it was the duty of the other members of the gang to obey him; that Richardson was injured while obeying Whitmer's orders, and as a result of said injury died soon after. It was claimed by the administratrix that Whitmer was negligent in not warning Richardson of the approach of a car which struck him, and that his negligence was that of a vice principal for which the lime company was responsible and not that of a fellow-servant; also that the company was negligent in failing to adopt safe and proper rules for the conduct of its business.

Upon these points the supreme court of appeals, in its opinion delivered by Judge Buchanan, held as follows:

The ground upon which it is claimed that Whitmer, who was a member of the same gang, doing the same work, and receiving the same pay as the plaintiff's intestate, was not a fellow-servant, is because he was exercising authority over the gang, or acting as leader or foreman in the work of moving the cars. That this sort of superiority did not make him a vice principal is clear under the decisions of this court. In the case of *Machine Works v. Ford*, reported in 27 S. E., 509, the question was whether the boss or foreman of a gang of hands (of which he

was a member) engaged in moving locomotive wheels about the yards of the locomotive works, which was under the management of a superintendent, was a fellow servant or vice principal. In that case it was held that such a boss or foreman was a fellow-servant, and that his negligence was one of the risks which the members of the gang assumed when they entered into the service. It was said in that case that, where the execution of work directed to be done by the master or his representative is intrusted to a gang of hands, it is necessary that one of them should be selected as leader, boss, or foreman, to see to the execution of the work. This kind of superiority of service is so essential and so universal that every workman, in entering upon a contract of service, must contemplate its being made in a proper case. He therefore makes his contract of service in contemplation of the risk of injury from the negligence of a boss or foreman as well as from the negligence of another fellow-workman. The foreman or superior servant stands to him, in that respect, in the precise position of his other fellow-servants. The manner of performing each of the various duties rested necessarily upon the intelligence, care, and fidelity of the servants to whom [it] was intrusted. If, in the performance of it, the plaintiff was injured by reason of the negligent act of a fellow-servant, although that fellow-servant was the foreman or leader of his gang, it was one of the risks which he assumed. An employee does not assume all the risks incident to his employment, but only such as are ordinarily incident to the employment.

It is not shown that there was anything in the nature of the work which made it necessary for the defendant to enact rules. Its failure to do so was not proof of negligence, unless it appeared from the nature of the work in which the servants were engaged (and it does not) that the master, in the exercise of reasonable care, should have foreseen and anticipated the necessity for such rules.

EMPLOYERS' LIABILITY—MASTER'S PROMISE TO REMOVE DEFECT—ASSUMPTION OF RISK BY EMPLOYEE—*Illinois Steel Co. v. Mann*, 48 *Northeastern Reporter*, page 417.—A judgment for the plaintiff, John Mann, in an action for damages for personal injuries brought against the above-named steel company, was affirmed by the appellate court of the first district of Illinois, and the defendant company appealed the case to the supreme court of the State, which rendered its decision November 8, 1897, and reversed the judgment of the lower court. The evidence showed that Mann was a heater in the employ of the steel company; that the floor in front of the furnace where he worked was in many places worn as "smooth as glass;" that while attempting to pull a paddle out of the "bosh" and walking backward over the floor he slipped on one of the smooth places and fell, receiving the injuries complained of; that he had on several occasions notified his foreman of the dangerous condition of the floor; that the defendant, through its foreman, had promised to repair it, and the plaintiff, relying upon the promise, had continued in the employ of said defendant.

The opinion of the supreme court was delivered by Chief Justice Phillips, and the following, showing the reasons for its decision, is quoted therefrom:

It is a recognized rule that it is the duty of the master to furnish to the servant reasonably safe machinery and appliances with which to perform his work; but when the servant discovers that the service has become more dangerous than he anticipated when he entered the employment of the master, or when he discovers defects in the machinery or appliances which make it unsafe for him to longer continue in the employ of the master, or from any other cause he concludes there is danger in continuing further in the service, it is his duty to notify the master of such danger, or of such defects in the machinery or appliances connected with his work; and, upon the master being notified, the servant has the right to continue in the employ of the master for a reasonable time, awaiting the remedy of such defects. He has the right to rely for a reasonable time upon the promise of the master that such defect in the machinery, appliances, or other surroundings connected with his work will be repaired and made safe, and the right to expect that such promise so made by the master will be fulfilled. If such expectation on the part of the servant, however, is not fulfilled, and the defect remedied by the master within a reasonable time, and the servant has full knowledge of the dangerous condition of his machinery, appliances, or surroundings, and the knowledge that he is subjected at all times to prospective injury, it is his duty to quit the service of the master, and not subject himself to further danger.

While it is true some cases hold the rule to be that, after having informed the master of any defects in machinery, tools, appliances, or surroundings of his work, and the master having promised to repair and make safe such defects, the servant has the right to rely upon such promise, and continue in the employ of the master, expecting such promise to be fulfilled, yet the rule in this State, and also in most other States, holds that such expectation on the part of the servant may continue only for a time reasonable for such repairs to be made, or defects remedied; and, if not so made within a reasonable time, the servant, having full knowledge of such defects, will be considered to have waived the same, and subject himself to all the dangers incident thereto.

EMPLOYERS' LIABILITY—RAILROAD COMPANIES—RELIEF ASSOCIATIONS—*Eckman v. Chicago, Burlington and Quincy R. R. Co.*, 48 *Northeastern Reporter*, page 496.—This was an action brought in the superior court of Cook County, Ill., by Charles H. Eckman, against the above-named railroad company, for damages for injuries sustained while in the service of said company. The evidence showed that on August 29, 1891, while a freight train was standing on the main track, Eckman was directed by a foreman to crawl under the engine and tighten up a valve, and while so under the engine another train ran into the rear end of the freight train, thereby forcing the engine forward, and dragging him quite a distance, breaking his leg and ankle, etc. The railroad company relied upon the fact that Eckman was a

member of the Burlington Voluntary Relief Department, and that he had received the benefits provided by that department as a complete defense.

The Burlington Relief Department was organized June 1, 1889, and its object was declared to be "the establishment and management of a fund, to be known as the 'relief fund,' for the payment of definite amounts to employees contributing thereto, who are to be known as 'members of the relief fund,' when, under the regulations, they are entitled to such payment by reason of accident or sickness, or, in the event of their death, to the relatives or other beneficiaries designated by them." This fund consisted of voluntary contributions from the employees, income derived from investments and from interest paid by the company, and appropriations by the company, when necessary to make up deficiencies. The railroad company had general charge of the department, guaranteed the fulfillment of its obligations, paid interest at 4 per cent per annum on monthly balances in its hands, supplied all the necessary facilities for conducting the business of the department, and paid all its operating expenses. There was also an advisory committee, having general supervision of the department, which consisted of the general manager of the railroad as chairman, six members selected by the employees of the different divisions of the railroad company, and six members selected by the board of directors of the company; the chairman having no vote except in case of a tie. The company agreed to pay any deficiency in the amount required to meet the claims on the fund. No employee was required to become a member of the relief fund, and any member could withdraw altogether at the end of any month. The members were divided into different classes, depending upon the amount of their contributions. Each member contributed monthly a specified sum according to the class to which he belonged, which was deducted from his wages, and placed to the credit of the relief fund. All employees of the company who passed a satisfactory medical examination were eligible for membership. If a contributing member was under disability, whether such disability arose from an injury received while at work or from sickness, he was entitled to be paid from the fund a certain sum per day, varying according to the contribution which he was making. In case of his death, the beneficiary designated by him was entitled to be paid a specified sum as designated in the membership contract. The regulations also provided a form of application which was used by Eckman, in which he agreed to be bound by the regulations of the relief department, to the effect that a certain specified portion of his wages should be applied as a voluntary contribution for the purpose of securing the benefits provided; that the application, on approval by the superintendent of the relief department, should make him a member of the relief fund, and constitute a contract between him and *the company; that his leaving the employment of, or discharge by, the*

company should terminate the contract, except as to benefits accrued and as to death benefits. Said application also appointed the beneficiaries in case of death, and contained the following agreement: "I also agree that, in consideration of the amounts paid and to be paid by said company for the maintainance of said relief department, and of the guaranty by said company of the payment of said benefits, the acceptance by me of benefits for injury shall operate as a release and satisfaction of all claims against said company and all other companies associated therewith in the administration of their relief departments, for damages arising from or growing out of said injury." The regulations provided further that, should a member or his legal representative bring suit against the company for damages on account of injury or death of such member, payment of benefits on account of the same should not be made until such suit was discontinued; and that, if the suit should proceed to judgment, or be compromised, all claims on the relief fund for benefits on account of such injury or death should be thereby precluded. The company, since the organization of the relief department, had from time to time paid in large sums on account of the insufficiency of the contributions of members to meet claims on the benefit fund, had paid operating expenses, and had given office rent and the services of officials and clerks free. The contributions of the members had never been applied to any other purposes than the payment of benefits. No part of it had ever been used for the payment of expenses.

Eckman made application for membership in the Burlington Voluntary Relief Department July 18, 1890, which application was approved August 4, 1890. It provided that \$2.10 should be deducted from his wages monthly for the purpose of securing the benefits provided for a member of the second class, with twice additional death benefits of the first class. These benefits, as shown by the book of regulations, were, for disability by reason of accident, \$1 for each day of a period not to exceed 52 weeks, with 50 cents a day thereafter during the continuance of the disability. Any bills for surgical attendance were to be paid by the relief department. The two additional death benefits of the first class were \$250 each, which, with the \$500 belonging to the second class, made the total death benefit \$1,000, to which his beneficiary would have been entitled in case of death. Eckman received \$245 for benefits, being the amount he was entitled to under the regulations. There was also paid on his account for nurses, medicine, and surgical attendance the sum of \$121.90. The receipt of these amounts as benefits due him from the relief fund was not disputed.

Upon the above state of facts, judgment was rendered for the railroad company, and Eckman appealed the case to the appellate court for the first district of the State, which affirmed the judgment of the superior court. He then appealed the case to the supreme court of Illinois, which rendered its decision November 8, 1897, and affirmed the decisions of the lower courts.

From the opinion of the supreme court, which was delivered by Judge Carter, the following is quoted:

The real controversy in this case is not whether the injury to the appellant, complained of, was caused by the negligence of the appellee company, but whether the receipt by the appellant of the benefits provided by the company under its contract with the appellant through its relief department, mentioned in the record as the Burlington Voluntary Relief Department, after the happening of the injury, constituted a sufficient defense to the action. It was not disputed that after the happening of the injury appellant received through this department of the company in installments, from time to time, the aggregate sum of \$245 as such benefits on account of the injury and under his contract of membership, and that there was also disbursed by said department for appellant for nurses, medicine, and surgical attendance the sum of \$121.40. But it is contended, in the first place, by appellant, that the company could not, by a contract in advance, exempt itself from liability to its employees for its gross negligence; that such a contract would be contrary to public policy, and void. The correctness of this position is undoubted, and it is not disputed on the part of the appellee, but its contention is that the contract here in question is not of that character; that, on the contrary, it merely provided for an accord and satisfaction after the injury has been received, and at the election of the injured employee; and that after the injury in this case there was such accord and satisfaction, and that the same is a complete bar to a recovery in this suit. Contracts of this character have been the subject of judicial investigation in many cases in different States, and it has been almost uniformly held, where the question has arisen as in this case, that they are not void as being against a sound public policy.

In every case of injury the injured party has the right to compromise the damages for any valuable consideration, no matter how small; and, if he chooses to accept a smaller amount than he might have been able to secure at the hands of a jury, such settlement is nevertheless a full accord and satisfaction, and a bar to the prosecution of any suit for damages for such injuries. Here is an agreement made between the railroad company and the appellant that the acceptance of the benefits should release the railroad company from responding in damages as the result of an action at law. It is not this agreement alone that constitutes the release, but the acceptance of the benefits therein stipulated, well knowing that the acceptance of such benefits will have the effect of a release. That the appellant knew what the effect of the acceptance of the benefits was, is not disputed. He was furnished with a hand-book, which plainly stated that an injured member may either accept the benefits of the fund, or rely upon the issue of a suit; that he can not do both. The agreement is not against public policy, as it merely puts the employee to his election, after an injury has been sustained by him, either to take the benefits of the relief fund, to which the appellee has materially contributed, or to sue for damages in a court of law.

Appellant's next contention is that the appellee had no right to go into the insurance business, and that the whole relief department scheme is both illegal under the insurance laws of this State, and ultra vires of a railroad corporation.

That such relief department is not an insurance company has been held in *Donald v. Railway Co.*, 61 N. W., 971, and *Johnson v. Railroad Co.*, 29 Atl., 854. The latter part of section 31 of chapter 32 of the

Revised Statutes of Illinois of 1881, as amended in 1883, provides that "associations and societies which are intended to benefit the widows, orphans, heirs and devisees of deceased members thereof, and members who have received a permanent disability, and where no annual dues or premiums are required, and where the members shall receive no money as profit or otherwise, except for permanent disability, shall not be deemed insurance companies." While sick benefits, such as are usually paid by secret and fraternal societies, are not mentioned in express terms in the section quoted, we think they may be fairly construed to be within the spirit of the same. In fact, no mention of the payment of sick benefits occurs in any of our insurance statutes until the statute of 1893 on fraternal beneficiary societies. The business done by the relief department was not prohibited by the statutes relating to insurance companies in force at its organization, nor at the time of the injury to appellant; but whether the contract, where it had not been performed by the payment and receipt of the money, or whether the organization of the relief department, would or [would] not be held to be *ultra vires* the corporation, is a question not necessary to the decision of this case. Appellant can not invoke that defense against appellee after having received the benefits secured to him by his contract. It is a general rule that a corporation can not avail itself of the defense of *ultra vires* where a contract, not immoral in itself, nor forbidden by any statute, has been in good faith fully performed by the other party, and the corporation has had the full benefit of its performance. And this rule applies with equal force to the other party setting up that the contract was *ultra vires* the corporation. The appellee paid as it agreed to do, and the appellant has accepted such payment, and the contract has been fully executed. It is therefore immaterial to inquire whether the contract or the organization of the relief department was *ultra vires* the corporation or not. That question does not properly arise in this case.

A dissenting opinion was delivered by Judge Magruder, which reads as follows:

It is not lawful for a railroad company to engage in the insurance business. A corporation can only exercise such powers as are expressly granted to it, or such implied powers as may be necessary to carry out or effectuate its express powers. A railroad company is authorized by its charter to carry freight and passengers. It is a common carrier and nothing else. The insurance of its employees is not one of its implied powers. If it be true that a railroad company can insure its employees because they need insurance, then it can go into the tailoring or clothing business because its employees need clothes, or operate a farm to raise cattle and hogs and poultry and wheat and corn because its employees need food. Such an extension of the implied powers of a railroad company as is thus indicated would lead eventually to an absorption by the railroad companies of all the employments and all the business of the country. Monopolies, created by the gradual reaching out of railroads into the various departments of business in no way connected with the original purposes of their organization, are dangerous to the liberties of the people.

LAWS OF VARIOUS STATES RELATING TO LABOR ENACTED SINCE JANUARY 1, 1896.

[The Second Special Report of the Department contains all laws of the various States and Territories and of the United States relating to labor in force January 1, 1896. Later enactments are reproduced in successive issues of the Bulletin from time to time as published.]

MINNESOTA.

ACTS OF 1897.

CHAPTER 127.—*Constrict labor—Jails.*

SECTION 1. Any able-bodied male person over the age of sixteen years and not over the age of fifty years now or hereafter confined in any county or village jail in this State under the judgment of any court of record, justice court or any tribunal authorized to imprison for the violation of any law, ordinance, by-law or police regulation, may be required to labor during the whole or part of the time of his sentence, as hereafter provided, and such court or other tribunal, when passing final judgment of imprisonment, whether for nonpayment of fine or otherwise, shall have the power to determine, and shall determine, whether such imprisonment shall be at hard labor or not.

SEC. 2. Such labor may be on the public streets or highways, or on or about public buildings or grounds, or at such other public places in the county where confined, and during such reasonable time of the day as the person having charge of the prisoners may direct, and not exceeding ten hours per day.

SEC. 8. All acts or parts of acts inconsistent herewith are hereby repealed.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved April 14, 1897.

CHAPTER 128.—*Examination, licensing, etc., of horseshoers.*

SECTION 1. No person shall practice horseshoeing, either as master horseshoer or journeyman horseshoer, in any city in this State of over fifty thousand (50,000) inhabitants, unless he is duly registered as hereinafter provided, in a book kept for that purpose in the office of the city clerk in the city in which he practices.

SEC. 2. The city clerk of every city in this State of over fifty thousand (50,000) inhabitants shall keep a book in his office to be known as the "Masters and Journeymen Horseshoers' Register," in which shall be recorded the names of all master and journeymen horseshoers entitled to practice horseshoeing in said city; that said book shall be furnished by said clerk and paid for by said clerk out of the registration fees to be paid to him as hereinafter provided.

SEC. 3. No person shall be entitled to register as a master or journeyman horseshoer without presenting and filing with the city clerk of said city a certificate from the board of examiners, as provided in section five (5) of this act, except as hereinafter provided.

SEC. 4. Any person who is practicing as a master or journeyman horseshoer at the time of the passage of this act may register within six (6) months after the passage of this act, upon making and filing with the city clerk of said city in which he practices an affidavit stating that he was practicing horseshoeing at the time of the passage of this act, and upon complying with this section shall be exempt from the provisions of this act requiring an examination.

SEC. 5. A board of examiners, consisting of one veterinarian, two master horseshoers and two journeymen horseshoers, which shall be called "Horseshoers' Board of Examiners," is hereby created, all of whom shall be citizens of this State, whose duty it shall be to carry out the provisions of this act, and make such rules and regulations for said purpose as they see fit and not in contravention thereof.

The members of said board shall be appointed by the governor of the State and the term of their office shall be for five (5) years, except that the members of said board first appointed shall hold office for the term of one (1), two (2), three (3), four (4) and five (5) years, as designated by the governor, and until their successors shall be duly appointed.

The said board of examiners shall hold sessions for the purpose of examining applicants to practice horseshoeing as a master or journeyman horseshoer at least once a year in each city of the State of over fifty thousand (50,000) inhabitants, and shall give public notice of the time and place of said meetings for said examinations, at least one (1) month previous to time of said meetings, and said board shall grant a certificate to any person showing himself qualified to practice horseshoeing, and said board shall receive as compensation for said duties a fee of two (2) dollars from each person so examined. Three (3) members of said board shall constitute a quorum. No person shall be entitled to take said examination or receive said certificate who shall not have engaged in the practice of horseshoeing for the period of at least three (3) years prior to the time of said examination. Said board shall select one of their own number as a secretary, who shall keep a record of all the proceedings of such board, which record shall be public property, and subject to examination at all reasonable times and while in possession of said secretary, by any person on demand, and free of charge therefor.

SEC. 6. Each person registering under the provisions of this act shall pay to the city clerk of the city in which he registers the sum of twenty-five (25) cents, which shall be received as full compensation for such registration.

SEC. 7. Any person who shall have duly registered in any one of said cities shall be entitled to registration in any other of said cities to which he shall remove upon filing an affidavit with the city clerk of said city to which he shall have removed, stating when and where he has been duly registered.

SEC. 8. Any person who shall present to the city clerk of any of said cities for the purpose of registration any certificate which has been fraudulently obtained, or shall practice in any of said cities as a master or journeyman horseshoer without conforming to the requirements of this act, or shall otherwise violate or neglect to comply with any of the provisions of this act, shall be guilty of a misdemeanor.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved April 16, 1897.

CHAPTER 186.—*Examination, licensing, etc., of barbers.*

SECTION 1. It shall be unlawful for any person to follow the occupation of barber in this State unless he shall have first obtained a certificate of registration as provided in this act: *Provided, however,* That nothing in this act contained shall apply to or affect any person who is now actually engaged in such occupation, except as hereinafter provided.

SEC. 2. A board of examiners, to consist of three (3) persons is hereby created to carry out the purposes and enforce the provisions of this act. Said board shall be appointed by the governor, one (1) member from those persons who may be recommended by the several unions of journeyman barbers in this State which have been in actual existence at least two (2) years prior to the making of such recommendation; one (1) member who has been for at least three (3) years prior to his appointment an employing barber in this State, and the third (3d) a practical barber who has been for at least five (5) years prior to his appointment engaged in such occupation in this State.

Each member of said board shall serve for a term of two (2) years and until his successor is appointed and qualified, except in the case of the first board, whose members shall serve one (1), two (2) and three (3) years respectively, as specified in their appointment.

Each member of said board shall give a bond in the sum of five thousand (5,000) dollars, with sureties to be approved by the secretary of state, conditioned for the faithful performance of his duties, and shall take the oath provided by law for public officers. Vacancies upon said board caused by death, resignation or expiration of the term of any member thereof, shall be filled by appointment from the same class of persons to which the deceased or retiring member belonged.

SEC. 3. Said board shall elect a president, secretary and treasurer, shall have its headquarters at the State capitol; shall have a common seal, and the secretary and president shall have power to administer oaths.

SEC. 4. Each member of said board shall receive a compensation of three (3) dollars per day for actual service, and ten (10) cents per mile for each mile actually traveled in attending the meetings of the board, which compensation shall be paid out of any moneys in the hands of the treasurer of said board: *Provided*, That the said compensation and mileage shall in no event be paid out of the State treasury.

SEC. 5. Said board shall report to the legislature of this State at each of its regular meetings a full statement of the receipts and disbursements of the board during the preceding two (2) years, a full statement of its doings and proceedings, and such recommendations as to it may seem proper looking to the better carrying out of the intents and purposes of this act.

Any moneys in the hands of the treasurer of said board at the time of making such report, in excess of two hundred and fifty (250) dollars, shall be paid over to the State treasurer to be kept by him for the future maintenance of the board and to be disbursed by him upon warrants signed by the president and treasurer of said board.

SEC. 6. Said board shall hold public examinations at least four (4) times in each year in at least four (4) different cities in this State, at such times and places as it may determine, notice of such meetings to be given by a publication thereof at least ten (10) days before such meetings in the capital of the State and in the county where such meeting is to be held.

SEC. 7. Every person now engaged in the occupation of barber in this State shall, within ninety (90) days after the approval of this act, file with the secretary of said board an affidavit setting forth his name, residence and the length of time during which, and the places where he has practiced such occupation, and shall pay to the treasurer of said board one (1) dollar, and a certificate of registration entitling him to practice said occupation thereupon shall be issued to him.

SEC. 8. Any person desiring to obtain a certificate of registration under this act shall make application to said board therefor and shall pay to the treasurer of said board an examination fee of five (5) dollars, and shall present himself at the next regular meeting of the board for the examination of applicants, whereupon said board shall proceed to examine such person, and being satisfied that he is above the age of nineteen (19) years, of good moral character, free from contagious or infectious disease, has either (A) studied the trade for three (3) years as an apprentice under a qualified and practicing barber, or (B) studied the trade for at least three (3) years in a properly appointed and conducted barber school under the instructions of a competent barber, or (C) practiced the trade in another State for at least three (3) years, and is possessed of the requisite skill in said trade to properly perform all the duties thereof, including his ability in the preparation of the tools, shaving, hair cutting and all the duties and services incident thereto, and is possessed of sufficient knowledge concerning the common diseases of the face and skin to avoid the aggravation and spreading thereof in the practice of said trade; his name shall be entered by the board in the register hereafter provided for, and a certificate of registration shall be issued to him authorizing him to practice said trade in this State: *Provided*, That whenever it appears that applicant has acquired his knowledge of said trade in a barber school, the board shall be judges of whether said barber school is properly appointed and conducted and under proper instruction to give sufficient training in such trade.

All persons making application for examination under the provisions of this act shall be allowed to practice the occupation of barbering until the next regular meeting of said board.

SEC. 9. Nothing in this act shall prohibit any person from serving as an apprentice in said trade under a barber authorized to practice the same under this act, nor from serving as a student in any school for the teaching of such trade under the instruction of a qualified barber: *Provided*, That in no barber shop shall there be more than one apprentice to two (2) barbers authorized under this act to practice said occupation.

SEC. 10. Said board shall furnish to each person to whom a certificate of registration is issued a card or insignia bearing the seal of the board and the signature of its president and secretary, certifying that the holder thereof is entitled to practice the occupation of barber in this State, and it shall be the duty of the holder of such card or insignia to post the same in a conspicuous place in front of his working chair, where it may be readily seen by all persons whom he may serve.

SEC. 11. Said board shall keep a register in which shall be entered names of all persons to whom certificates are issued under this act, and said register shall be at all times open to public inspection.

SEC. 12. Said board shall have power to revoke any certificate of registration granted by it under this act for (A) conviction of crime; (B) habitual drunkenness for six (6) months immediately before a charge duly made; (C) gross incompetency, or (D) contagious or infectious disease: *Provided*, That before any certificate shall be so revoked the holder thereof shall have notice in writing of the charge or charges

against him, and shall at a day specified in said notice, at least five (5) days after the service thereof, be given a public hearing and full opportunity to produce testimony in his behalf and to confront the witnesses against him. Any person whose certificate has been so revoked may, after the expiration of ninety (90) days, apply to have the same regranted, and the same shall be regranted to him upon a satisfactory showing that the disqualification has ceased.

SEC. 13. To shave or trim the beard or cut the hair of any person for hire or reward received by the person performing such service, or any other person, shall be construed as practicing the occupation of barber within the meaning of this act.

SEC. 14. Any person practicing the occupation of barber without having obtained a certificate of registration, as provided by this act, or willfully employing a barber who has not such a certificate, or falsely pretending to be qualified to practice such occupation under this act, or violation of any of the provisions of this act, is guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than ten (10) dollars or more than one hundred (100) dollars, or by imprisonment in the county jail not less than ten (10) days or more than ninety (90) days.

SEC. 15. This act shall take effect and be in force from and after its passage.

Approved April 21, 1897.

CHAPTER 319.—*Examination, licensing, etc., of plumbers.*

SECTION 1. It shall not be lawful for any person, persons, firm or corporation engaged in the plumbing business in any city or town having a population of ten thousand (10,000) inhabitants or more, which has a system of sewer or water works in the State of Minnesota, to employ as journeyman plumber in said business any person, or persons, except those qualified to work as registered plumber (s); and no person shall be qualified to work as a registered plumber, or to act as plumbing inspector, unless said persons have (person has) made application and received from the State board of commissioners of practical plumbing a certificate of competency, and has complied with the provisions of this act.

SEC. 2. If any person or persons, after the passage of this act, shall engage in, or work at the plumbing business as journeyman plumber in any city or town having a population of ten thousand (10,000) inhabitants or more which has a system of sewer or water works in the State of Minnesota, without first complying with the provisions of this act, such person shall be deemed guilty of a misdemeanor, and subject to a fine of fifty (50) dollars for each and every violation of said act; said fine to be sued for in the name of the State, and before any qualified justice of the peace in said State.

SEC. 3. The governor shall appoint biennially five (5) persons, who shall constitute a board of commissioners, which shall be known and designated as "The State Board of Commissioners of Practical Plumbing," and who shall be elected as follows:

Five (5) practical plumbers, two (2) of whom shall be master plumbers engaged in the plumbing business, and resident freeholders of the State, two (2) shall be journeyman plumbers and freeholders of the State, the fifth (5th) to be one of the plumbing inspectors of any first-class city in the State possessing the same qualifications, whose duty it shall be to faithfully and impartially execute, or cause to be executed, all the provisions and requirements of this act; they shall upon application and in such manner and at such place as they may determine, provided said place of examination shall be within the limits of the State of Minnesota, examine each and every person who shall desire to work at the plumbing business, touching his competency and qualifications; and upon being satisfied that the person so examined is competent and qualified to work at said business, they or any three (3) of them, shall grant such person a certificate of competency, under the provisions of this act, and register him in their books as a practical plumber, which shall operate as full authority to him to conduct and engage in the said business of plumbing.

SEC. 4. The commissioners appointed under this act shall hold their several offices for the period of two (2) years, without compensation, commencing from the first (1st) day of May, next succeeding the date of the passage of this act, and thereafter until their successors have been appointed and qualified; said commissioners shall within thirty (30) days after notification of their appointment, each subscribe to an oath before the clerk of the supreme court of the State of Minnesota, to impartially and faithfully discharge the duties prescribed by this act; a failure to so qualify on the part of any appointee, within the time and manner named, shall create a vacancy, which the governor shall immediately proceed to fill by the appointment of some other practical plumber as required by the provisions of this act, as also in cases of death or resignation.

SEC. 5. The said board of commissioners shall demand and receive from each applicant for a certificate of competency, whom they examine and pass, the sum of three (3) dollars at the time of issuance of said certificate, and the sum of one (1) dollar for the renewal thereof, each and every year thereafter, on or before the first

day of May: *Provided*, That no person who shall be engaged in the general plumbing business at the time of the passage of this act, shall be required to make application for such certificate of competency for the period of one (1) year from the date of the passage of this act, commencing with the first day of May, next succeeding the passage of this act. Any person making application for examination under the provisions of this act and tendering the fee herein required, shall be permitted to practice said occupation of journeyman plumber until the first meeting of the board after the filing of such application.

SEC. 6. The money received under the provisions of the foregoing section shall be used and applied by said commissioners to defray the expenses accruing or arising under this act, and all surplus over and above the necessary expenses under this act shall be returned to the state treasurer for the use of the State.

SEC. 7. The said board of commissioners are hereby empowered to make such rules and regulations from time to time, for the proper execution of the provisions of this act, as in their judgment they may deem necessary and requisite; and they shall be required to make a report of the condition of the board to the governor biennially, on or before the first day of February.

Said board shall hold public examination at least four (4) times a year in cities of over fifty thousand (50,000) inhabitants successively at such times as it may determine, and shall give notice of such meetings by publication thereof at least twenty (20) days before such meeting is to be held.

SEC. 8. This act shall take effect from the date of its passage.

Approved April 23, 1897.

CHAPTER 360.—*Employment of children.*

SECTION 1. Section one of chapter one hundred and seventy-one (171) of the general laws of eighteen hundred and ninety-five (1895) is hereby amended so as to read as follows:

SECTION 1. No child under fourteen (14) years of age shall be employed at any time in any factory or workshop, or about any mine. No such child shall be employed in any mercantile establishment nor in the service of any telegraph, telephone or public messenger company except during the vacation of the public schools in the town where such child is employed. No child under sixteen (16) years of age shall be employed at any occupation dangerous or injurious to life, limb, health or morals; nor at any labor of any kind outside of the family of such child's residence before six o'clock in the morning, nor after seven o'clock in the evening, nor more than ten (10) hours in any one day, nor more than sixty hours in any one week, except in accordance with the following express permission or condition, to wit: Children not less than fourteen years of age may be employed in mercantile establishments on Saturdays and for ten days each year before Christmas until ten (10) o'clock in the evening: *Provided, however*, That this permission shall not be so construed as to permit such children to toil more than ten hours in any one day, nor over sixty hours in any one week.

SEC. 2. Section five of said chapter one hundred and seventy-one (171), general laws 1895, is hereby amended so as to read as follows:

SECTION 5. Whenever it appears upon due examination that the labor of any minor who would be debarred from employment under the provisions of sections two and four of this act is necessary for the support of the family to which said minor belongs, or for his own support, the school board or board of school trustees of the city, village or town in which said child resides may, in the exercise of their discretion, issue a permit or excuse authorizing the employment of such minor within such time or times as they may fix.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 23, 1897.

NEBRASKA.

ACTS OF 1897.

CHAPTER 36.—*Protection of children.*

SECTION 2. It shall be unlawful, and it is hereby declared to be cruelty within the meaning of this act, for any person employing or having the care, custody or control of any child willfully or negligently to cause or permit the life of such child to be endangered, or the health of such child to be injured, or willfully to cause or permit such child to be placed in such a situation that its life or health may be endangered, or to cause or permit such child to be overworked, cruelly beaten, tortured, tormented, or mutilated.

SEC. 3. Any person or persons convicted under any of the foregoing provisions of this act shall be fined in any sum not more than one hundred dollars, or imprisoned in the jail of the county not exceeding three months, at the discretion of the court.

SEC. 7. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 8. Whereas an emergency exists, this act shall take effect and be in force from and after its passage.

Approved by the governor April 10, 1897.

CHAPTER 39.—*Inspection, etc., of factories and workshops—Free employment bureau.*

An act to amend sections 2066 and 2068 of Cobbey's Consolidated Statutes of Nebraska of 1893 [sections 3314 and 3316 of the Compiled Statutes of Nebraska, 1895] and to create a new section to be numbered 2071.

SECTION 2066. The commissioner [of labor] or his deputy shall have power to enter any factory or workshop in which labor is employed, for the purpose of gathering facts and statistics, or of examining the means for escape from fire, and the provisions for the health and safety of operatives in such factory or workshop. He may also post in such factory or workshop the laws now, or hereafter to be, made in respect to child labor, fire escapes, hours of labor, or others pertaining to the health or safety of employees; and if the owner, manager or agent shall remove or destroy the same he shall, upon conviction thereof, be fined in any sum not to exceed fifty dollars for each offense. And in case the officer of the bureau shall discover any violation of, or neglect to comply with, said laws, he shall notify the owner or occupant of said workshop or factory in writing of the offense or neglect, and if such offense or neglect is not corrected within thirty days after the service of notice aforesaid, he shall lodge formal complaint with the attorney of the county in which the offense is committed or the neglect occurs, whereupon said officer shall proceed against the offender according to law.

SEC. 2068. At the time of the assessment of property for taxation for county and State purposes, it shall be the duty of the township and precinct assessors to enroll the names of all persons over 21 years of age in their respective townships or precincts, together with their several occupations; if farmers or manufacturers, the products of their several farms or factories during the past year, and if wage workers, the time they have been employed during the past year and the wages they have received for the same. It shall be the duty of the county clerks on or before the first day of July in each year, to forward a summary of such reports of their respective counties to the State bureau of labor. The deputy commissioner of labor shall compile said reports and shall embody them in his biennial report to the governor.

SEC. 2071. The commissioner of labor is hereby authorized and directed, within thirty days after the passage of this amendment, to establish and maintain in the office of the bureau of labor and industrial statistics and in connection therewith, a free public employment office. The deputy commissioner shall receive all applications for help made to him by any person, company or firm, and all applications made to him for employment by any person or persons and record their names in a book kept for that purpose, designating the kind and character of help wanted or the kind and character of employment desired, and the post office address of the applicant. It shall be the duty of said deputy to send by mail to all applicants for help, the name and post office address of such applications for employment as in his judgment will meet their respective requirements and such other information as he may possess that will bring to their notice the names and post office addresses of such unemployed laborers, mechanics, artisans or teachers as they may require. No compensation or fee whatsoever shall directly or indirectly be charged or received from any person or persons applying for help, or any person or persons applying for employment through the bureau of labor. Said deputy or any clerk connected with the bureau, who shall accept any compensation or fee from any applicant for help or any applicant for employment, for services as provided in this act, shall be deemed

guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than twenty-five dollars nor more than one hundred dollars for each offense, or imprisoned not to exceed thirty days. Any application for help or any application for employment made to said office shall be null and void after thirty days from its receipt by said deputy, unless renewed by the applicant. Every applicant for help shall notify said deputy commissioner by mail immediately after the required help designated in his or her application has been secured, and every applicant for employment shall notify said deputy immediately after securing the same. Such notice shall contain the name and last preceding post office address of each employer or employee secured through such employment office, and any failure or refusal to thus notify said deputy commissioner shall bar such applicant from all future rights and privileges of said employment office at the discretion of said deputy. Applicants for help shall be construed to mean employers wanting employees, and applicants for employment shall be construed to mean persons wanting work to do.

Approved by the governor April 13, 1897.

CHAPTER 54.—*Protection of employees of street railway companies—Inclosed platforms.*

SECTION 1. From and after the first day of November, in the year of our Lord one thousand eight hundred and ninety-seven (1897), it shall be unlawful for any person, partnership or corporation, owning or operating a street railway in this State, or for any officer or agent thereof, superintending or having charge or control of the management of such line of railway, or the cars thereof, operating electric, cable or other cars propelled either by steam, cable or electricity, which require the constant services, care or attention of any person or persons upon the platforms of such cars, to require or permit such services, attention or care of any of its employees or any other person or persons between the first day of November and the first day of April thereafter of each year, unless such person, partnership or corporation, its said officers or superintending or managing agents, have first provided the platforms of said car or cars with a proper and sufficient inclosure, constructed of wood, iron and glass, or similar, suitable material sufficient to protect such employees from exposure to the winds and inclemencies of the weather: *Provided*, That such inclosure shall be so constructed as not to obstruct the vision of the person operating such car, or to endanger or interfere with its safe management by the operator.

SEC. 2. From and after November first, in the year of our Lord one thousand eight hundred and ninety-seven (1897), it shall be unlawful for any such person, partnership or corporation so owning or operating street railways using steam, electric or cable cars, or any superintending or managing officer or agent thereof, to cause or permit to be used upon such line of railway between said November first and April first of each and every year thereafter, any car or cars upon which the services of any employee, such as is specified in section one (1) of this act is required, unless said car or cars shall be provided with the inclosure required by section one (1) of this act.

SEC. 3. Violations of this act shall be punished as follows: If the violation is by a corporation it shall forfeit and pay the sum of one hundred (\$100.00) dollars; if the violation is by a person or a copartnership such offender shall be punished by a fine of not to exceed one hundred (\$100.00) dollars, or be imprisoned in the county jail not to exceed three months. Each day that any of said person or persons, partnership or corporation, cause or permit any of their said employees to operate such cars in violation of the provisions of sections one (1) and two (2) of this act, or cause or permit cars to be used or operated in violation of said section two (2) of this act, shall be deemed a separate offense: *Provided*, That the provisions of this act shall not apply to cars used and known as "trailing cars."

SEC. 4. It is hereby made the duty of the county attorney of any county in which any such street railway is situated and operated, upon any information given him by any credible person, or upon the knowledge that he may possess, that any person, partnership or corporation has violated any of the provisions of this act, to promptly prosecute such person, members of such partnership or corporation for such violation.

Approved by the governor March 31, 1897.

CHAPTER 75.—*Constrict labor—State penitentiary.*

SECTION. 16. It shall be the duty of the warden, with the approval of the governor and the prison inspectors, to provide labor for the prisoners and keep them in industrial employment, so far as possible and for the greatest practical profit to the State and the general welfare and health of the prisoners. The warden may manufacture articles for use in the prison and all other State institutions, or let the service of prisoners for such purpose, and whenever there shall be any surplus of prison work which can not be so utilized to advantage or profit, the warden may let out the

service of such unemployed or idle prisoners for a term of years, not exceeding three years at any one time or for any one contract; and he shall be charged with the duty of collecting for such services and collecting all other debts due to the State under his administration. When the service of convicts confined in the penitentiary is let out to contract, the warden shall be at all times charged with the custody, discipline, control and safe-keeping of such prisoners and provide them with board and clothing. As rapidly as it may profitably be done, the State shall provide for the employment of the labor of the convicts on its own account to the end that the State may eventually provide means for the employment of all prisoners without the intervention of contractors; and the warden shall be charged with the duty of making the State prison as nearly self-sustaining as possible and of promoting, as far as circumstances will permit, the welfare of the convicts.

SEC. 49. Chapter eighty-six (86) of the Compiled Statutes of 1895, and all other acts and parts of acts inconsistent with this act, are hereby repealed.

SEC. 50. Whereas an emergency exists, this act shall take effect and be in force from and after its passage.

Approved by the governor April 12, 1897.

CHAPTER 79.—*Antitrust act—Exception in favor of laborers, etc.*

SECTION 9. Nothing herein contained shall be construed to prevent any assemblies or associations of laboring men from passing and adopting such regulations as they may think proper, in reference to wages and the compensation of labor, and such assemblies and associations shall retain, and there is hereby reserved to them all the rights and privileges now accorded to them by law, anything herein contained to the contrary notwithstanding.

SEC. 14. Chapter ninety-one a (91a), entitled "Trusts," of the Compiled Statutes of Nebraska for the year 1895, is hereby repealed.

Approved by the governor April 15, 1897.

NEW JERSEY.

ACTS OF 1897.

CHAPTER 114.—*Incorporation of women's work exchanges.*

SECTION 1. Any society of women, associated together as a woman's work exchange, whose object is to furnish a depository for the reception, exhibition and sale of articles made and contributed by women, may become incorporated under the act to which this is a supplement [chapter 130, acts of 1892, for the incorporation of societies not for pecuniary profit, etc.], and with the same powers as in said act set forth and provided.

SEC. 2. This act shall take effect immediately.

Approved April 13, 1897.

CHAPTER 190.—*Protection of street railway employees—Inclosed platforms.*

SECTION 1. On and after the first day of November, one thousand eight hundred and ninety-seven, it shall not be lawful for any company operating a street railway or railroad, or other railroad operated as a street railway, by means of electric motors, to use upon its said railroad or railway any car, motor or vehicle for the conveyance of passengers, between the first day of November and the first day of April in any year, unless said car, motor or other vehicle shall be constructed with inclosed or vestibuled platforms, provided with proper glazed sashes at the ends of the car and with open doorways at the sides.

SEC. 2. For each day, or part of day, any such car, motor or other vehicle for the conveyance of passengers shall be operated and used in the operation of any street railroad or railway operated by means of electric motors, the company owning or operating said car, motor or vehicle shall be liable to a penalty of twenty-five dollars, to be recovered in any court of competent jurisdiction, together with the costs of suit, by the person, board or other authority having by law control of the police department of any municipality in which or through which said car, motor or vehicle shall be operated; the said penalty, when recovered, to be paid into the treasury of said municipality the same as the penalties collected for infraction of other police regulations of said municipalities.

Approved May 11, 1897.

NEW YORK.

ACTS OF 1897.

VOL. I.—GENERAL LAWS.

CHAPTER 261.—*Salt springs law—Discharge of laborers for neglect.*

An act to amend chapter six hundred and eighty-four of the laws of eighteen hundred and ninety-two, entitled "An act relating to salt springs, constituting chapter thirteen of the General Laws."

SECTION 1. This chapter shall be known as the salt springs law.

SEC. 33. The superintendent shall require the discharge of every boiler, packer or other laborer employed by any manufacturer who shall neglect or refuse to obey his or his deputies' directions in and about any salt works or manufactory respecting the manufacture, packing or care of salt produced by such manufacturer, and to be offered for inspection; and each person so discharged shall not be again employed by any person in the manufacture of salt without the consent of the superintendent.

Became a law April 15, 1897, with the approval of the governor. Passed, three-fifths being present.

CHAPTER 266.—*Wages preferred in assignments.*

SECTION 1. Section twenty-nine of chapter four hundred and sixty-six of the laws of eighteen hundred and seventy-seven, entitled "An act in relation to assignments of the estates of debtors for the benefit of creditors," is hereby amended to read as follows:

§ 29. In all assignments, made in pursuance of this act, the wages or salaries actually owing to the employees of the assignor or assignors at the time of the execution of the assignment, shall be preferred before any other debt; and should the assets of the assignor or assignors not be sufficient to pay in full all the claims preferred, pursuant to this section, they shall be applied to the payment of the same pro rata to the amount of each such claim. All sums due to truckmen or cartmen for the payment of freight and for the carriage of goods, wares and merchandise shall be deemed and treated as wages for the purposes of this act.

SEC. 2. This act shall take effect immediately.

Became a law April 15, 1897, with the approval of the governor. Passed, three-fifths being present.

CHAPTER 415.—*In relation to labor.*

An act in relation to labor, constituting chapter thirty-two of the General Laws.

CHAPTER XXXII OF THE GENERAL LAWS.

THE LABOR LAW.

ARTICLE I.—General provisions.

SECTION 1. Short title.—This chapter shall be known as the labor law.

SEC. 2. Definitions.—The term employee, when used in this chapter, means a mechanic, workingman or laborer who works for another for hire.

The person employing any such mechanic, workingman or laborer, whether the owner, proprietor, agent, superintendent, foreman or other subordinate, is designated in this chapter as an employer.

The term "factory," when used in this chapter, shall be construed to include also any mill, workshop or other manufacturing or business establishment where one or more persons are employed at labor.

The term "mercantile establishment," when used in this chapter, means any place where goods, wares or merchandise are offered for sale.

Whenever, in this chapter, authority is conferred upon the factory inspector, it shall also be deemed to include his assistant or a deputy acting under his direction.

SEC. 3. Hours to constitute a day's work.—Eight hours shall constitute a legal day's work for all classes of employees in this State, except those engaged in farm and domestic labor, unless otherwise provided by law. This section does not prevent an agreement for overwork for extra compensation.

This section applies to work for the State or a municipal corporation, or for contractors therewith.

The wages for such public work shall not be less than the prevailing rate for a legal day's work in the same trade or calling in the locality where the work is performed. Every contract for the construction of a public work, shall contain a provision that the same shall be void and of no effect unless such rate is paid by the contractor to his employees.

SEC. 4. Violations of preceding section.—Any officer or agent of this State or of a municipal corporation therein, who openly violates or otherwise evades the provisions of this article, relating to the hours of labor of employees, shall be deemed guilty of malfeasance in office, and may be suspended or removed by the authority having power to appoint such officer or agent, if any, otherwise by the governor. A party contracting with the State or a municipal corporation therein, who fails to comply with, or secretly evades such provisions by exacting and requiring more hours of labor for the compensation agreed to be paid per day than is fixed in this article, shall forfeit such contract, at the option of the State or of such municipal corporation.

SEC. 5. Hours of labor on street surface and elevated railroads.—Ten consecutive hours' labor, including one-half hour for dinner, shall constitute a day's labor in the operation of all street surface and elevated railroads, of whatever motive power, owned or operated by corporations in this State, whose main line of travel or whose routes lie principally within the corporate limits of cities of more than one hundred thousand inhabitants. No employee of any such corporation shall be permitted or allowed to work more than ten consecutive hours, including one-half hour for dinner, in any one day of twenty-four hours.

In cases of accident or unavoidable delay, extra labor may be performed for extra compensation.

SEC. 6. Hours of labor in brickyards.—Ten hours, exclusive of the necessary time for meals, shall constitute a legal day's work in the making of brick in brickyards owned or operated by corporations. No corporation owning or operating such brickyard shall require employees to work more than ten hours in any one day, or to commence work before seven o'clock in the morning. But overwork and work prior to seven o'clock in the morning for extra compensation may be performed by agreement between employer and employee.

SEC. 7. Regulation of hours of labor on steam surface and elevated railroads.—Ten hours' labor, performed within twelve consecutive hours, shall constitute a legal day's labor in the operation of steam surface and elevated railroads owned and operated within this State, except where the mileage system of running trains is in operation. But this section does not apply to the performance of extra hours of labor by conductors, engineers, firemen and trainmen in case of accident or delay resulting therefrom. For each hour of labor performed in any one day in excess of such ten hours, by any such employee, he shall be paid in addition at least one-tenth of his daily compensation.

No person or corporation operating a line of railroad of thirty miles in length or over, in whole or in part within this State, shall permit or require a conductor, engineer, fireman or trainman, who has worked in any capacity for twenty-four consecutive hours, to go again on duty or perform any kind of work until he has had at least eight hours' rest.

SEC. 8. Payment of wages by receivers.—Upon the appointment of a receiver of a partnership or of a corporation organized under the laws of this State and doing business therein, other than a moneyed corporation, the wages of the employees of such partnership or corporation shall be preferred to every other debt or claim.

SEC. 9. Cash payment of wages.—Every manufacturing, mining, quarrying, mercantile, railroad, street railway, canal, steamboat, telegraph and telephone company, every express company, and every water company, not municipal, shall pay to each employee engaged in its business the wages earned by him in cash. No such company or corporation shall pay its employees in scrip, commonly known as store money orders.

SEC. 10. When wages are to be paid.—Every corporation or joint stock association, or person carrying on the business thereof by lease or otherwise, shall pay weekly to each employee the wages earned by him to a day not more than six days prior to the date of such payment.

But every person or corporation operating a steam surface railroad shall, on or before the twentieth day of each month, pay the employees thereof the wages earned by them during the preceding calendar month.

SEC. 11. Penalty for violation of preceding sections.—If a corporation or joint stock association, its lessee or other person carrying on the business thereof, shall fail to pay the wages of an employee as provided in this article, it shall forfeit to the people of the State the sum of fifty dollars for each such failure, to be recovered by the factory inspector in his name of office in a civil action; but an action shall not be maintained therefor, unless the factory inspector shall have given to the

employer at least ten days' written notice, that such an action will be brought if the wages due are not sooner paid as provided in this article.

On the trial of such action, such corporation or association shall not be allowed to set up any defense, other than a valid assignment of such wages, a valid set-off against the same, or the absence of such employee from his regular place of labor at the time of payment, or an actual tender to such employee at the time of the payment of the wages so earned by him, or a breach of contract by such employee or a denial of the employment.

SEC. 12. Assignment of future wages.—No assignment of future wages, payable weekly, or monthly in case of a steam surface railroad corporation, shall be valid if made to the corporation or association from which such wages are to become due, or to any person on its behalf, or if made or procured to be made to any person for the purpose of relieving such corporation or association from the obligation to pay weekly, or monthly in case of a steam surface railroad corporation. Charges for groceries, provisions or clothing shall not be a valid offset for wages in behalf of any such corporation or association.

No such corporation or association shall require any agreement from any employee to accept wages at other periods than as provided in this article as a condition of employment.

SEC. 13. Preferences in employment of persons upon public works.—In the construction of public works by the State or a municipality, or by persons contracting with the State or such municipality, only citizens of the United States shall be employed; and in all cases where laborers are employed on any such public works, preference shall be given citizens of the State of New York. In each contract for the construction of public works, a provision shall be inserted, to the effect that if the provisions of this section are not complied with, the contract shall be void.

SEC. 14. Stone used in State or municipal works.—All stone used in State and municipal works, except paving blocks and crushed stone, shall be worked, dressed and carved within the State. There shall be inserted in each contract or specification hereafter awarded by State, county or municipal authorities, authorizing or requiring the use of worked, dressed or carved stone, except paving blocks or crushed stone, within the State or such county or municipality, a clause to the effect that such stone shall be so worked, dressed or carved within the boundaries of the State as required by this section. If a contractor of the State or any municipality therein, shall use stone, except paving blocks and crushed stone, which has been worked, dressed or carved without the State, the State or such municipality shall revoke the contract of such contractor and be released from liability thereon.

SEC. 15. Labels, brands, etc., used by labor organizations.—A union or association of employees may adopt a device in the form of a label, brand, mark, name or other character for the purpose of designating the products of the labor of the members thereof. Duplicate copies of such device shall be filed in the office of the secretary of state, who shall, under his hand and seal, deliver to the union or association filing or registering the same a certified copy and a certificate of the filing thereof, for which he shall be entitled to a fee of one dollar. Such certificate shall not be assignable by the union or association to whom it is issued.

SEC. 16. Penalty for illegal use of labels, etc., injunction proceedings.—A person manufacturing, using, displaying or keeping for sale a counterfeit or colorable imitation of a device so adopted and filed, or goods bearing the same, shall be subject to a penalty of two hundred dollars, to be recovered in an action brought in a court of competent jurisdiction by the person aggrieved; one-half of which penalty, when recovered, shall be paid to the plaintiff and one-half to the overseer of the poor of the town or to an officer having like power of the city, wherein the person aggrieved resides, for the benefit of the poor of such town or city.

After filing copies of such device, such union or association may commence an action to enjoin the manufacture, use, display or sale of counterfeit or colorable imitations of such device, or of goods bearing the same, and the court may restrain such wrongful manufacture, use, display or sale, and every unauthorized use or display by others of the genuine devices so registered and filed, if such use or display is not authorized by the owner thereof, and may award to the plaintiff such damages resulting from such wrongful manufacture, use, display or sale as may be proved, together with the profits derived therefrom.

SEC. 17. Seats for female employees in factories.—Every person employing females in a factory shall provide and maintain suitable seats for the use of such female employees, and permit the use thereof by such employees to such an extent as may be reasonable for the preservation of their health.

SEC. 18. Scaffolding for use of employees.—A person employing or directing another to perform labor of any kind in the erection, repairing, altering or painting of a house, building or structure shall not furnish or erect, or cause to be furnished or erected for the performance of such labor, scaffolding, hoists, stays, ladders or other mechanical contrivances which are unsafe, unsuitable or improper, and which

are not so constructed, placed and operated as to give proper protection to the life and limb of a person so employed or engaged.

Scaffolding or staging swung or suspended from an overhead support, more than twenty feet from the ground or floor, shall have a safety rail of wood, properly bolted, secured and braced, rising at least thirty-four inches above the floor or main portions of such scaffolding or staging and extending along the entire length of the outside and the ends thereof, and properly attached thereto, and such scaffolding or staging shall be so fastened as to prevent the same from swaying from the building or structure.

SEC. 19. Inspection of scaffolding, ropes, blocks, pulleys and tackle in cities.—Whenever complaint is made to the commissioner of police, superintendent or other person in charge of the police force of a city, that the scaffolding or the slings, hangers, blocks, pulleys, stays, braces, ladders, irons or ropes of any swinging or stationary scaffolding used in the construction, alteration, repairing, painting, cleaning or pointing of buildings within the limits of such city, are unsafe or liable to prove dangerous to the life or limb of any person, such police commissioner, superintendent or other person in charge of the police force, shall immediately detail a competent police officer to inspect such scaffolding, or the slings, hangers, blocks, pulleys, stays, braces, ladders, irons or other parts connected therewith. If, after examination, such officer finds such scaffolding or any of such parts to be dangerous to life or limb, he shall prohibit the use thereof, and require the same to be altered and reconstructed so as to avoid such danger.

The officer making the examination shall attach a certificate to the scaffolding, or the slings, hangers, irons, ropes or other parts thereof, examined by him, stating that he has made such examination, and that he has found it safe or unsafe, as the case may be. If he declares it unsafe, he shall at once, in writing, notify the person responsible for its erection of the fact, and warn him against the use thereof. Such notice may be served personally upon the person responsible for its erection, or by conspicuously affixing it to the scaffolding, or the part thereof declared to be unsafe. After such notice has been so served or affixed, the person responsible therefor shall immediately remove such scaffolding or part thereof and alter or strengthen it in such a manner as to render it safe, in the discretion of the officer who has examined it, or of his superiors.

Any officer detailed to examine or test any scaffolding or part thereof, as required by this section, shall have free access, at all reasonable hours, to any building or premises containing them or where they may be in use.

All swinging and stationary scaffolding shall be so constructed as to bear four times the maximum weight required to be dependent therefrom or placed thereon, when in use, and not more than four men shall be allowed upon any swinging scaffolding at one time.

SEC. 20. Protection of persons employed on buildings in cities.—All contractors and owners, when constructing buildings in cities, where the plans and specifications require the floors to be arched between the beams thereof, or where the floors or filling in between the floors are of fire-proof material of [or] brick work, shall complete the flooring or filling in as the building progresses, to not less than within three tiers of beams below that on which the iron work is being erected.

If the plans and specifications of such buildings do not require filling in between the beams of floors with brick or fire-proof material, all contractors for carpenter work, in the course of construction, shall lay the under flooring thereof on each story, as the building progresses, to not less than within two stories below the one to which such building has been erected. Where double floors are not to be used, such contractor shall keep planked over the floor two stories below the story where the work is being performed.

If the floor beams are of iron or steel, the contractors for the iron or steel work of buildings in course of construction, or the owners of such buildings, shall thoroughly plank over the entire tier of iron or steel beams on which the structural iron or steel work is being erected, except such spaces as may be reasonably required for the proper construction of such iron or steel work, and for the raising or lowering of materials to be used in the construction of such building, or such spaces as may be designated by the plans and specifications for stairways and elevator shafts.

The chief officer, in any city, charged with the enforcement of the building laws of such city, is hereby charged with enforcing the provisions of this section.

ARTICLE II.—Commissioner of labor statistics.

SEC. 30. Commissioner of labor statistics.—There shall continue to be a commissioner of labor statistics, who shall be appointed by the governor, by and with the advice and consent of the senate, and shall hold his office for the term of three years, and receive an annual salary of three thousand dollars. He may appoint a deputy commissioner of labor statistics, at an annual salary of two thousand and five hundred

dollars, and a chief clerk at an annual salary of two thousand dollars, and such other clerks and assistants as he may deem necessary and fix their salaries.

The term of office of the successor of the commissioner in office when this chapter takes effect is abridged so as to expire on the last day of December preceding the time when such term would otherwise expire, and thereafter the term of office of such commissioner shall begin on the first day of January.

SEC. 31. Duties and powers.—The commissioner of labor statistics shall collect, assort, systematize and present in annual reports to the legislature, within ten days after the convening thereof in each year, statistical details in relation to all departments of labor in the State, especially in relation to the commercial, industrial, social and sanitary condition of workingmen and to the productive industries of the State. He may subpoena witnesses, take and hear testimony, take or cause to be taken depositions and administer oaths.

SEC. 32. Statistics to be furnished upon request.—The owner, operator, manager or lessee of any mine, factory, workshop, warehouse, elevator, foundry, machine shop or other manufacturing establishment, or any agent, superintendent, subordinate, or employee thereof, shall, when requested by the commissioner of labor statistics, furnish any information in his possession or under his control which the commissioner is authorized to require, and shall admit him to any place herein named for the purpose of inspection. All statistics furnished to the commissioner of labor statistics, pursuant to this article, may be destroyed by such commissioner after the expiration of two years from the time of the receipt thereof.

A person refusing to admit such commissioner, or a person authorized by him, to any such establishment, or to furnish him any information requested, or who refuses to answer or untruthfully answers questions put to him by such commissioner, in a circular or otherwise, shall forfeit to the people of the State the sum of one hundred dollars for each refusal and answer untruthfully given, to be sued for and recovered by the commissioner in his name of office. The amount so recovered shall be paid into the State treasury.

ARTICLE III.—Free public employment bureaus.

SEC. 40. Free public employment bureaus in cities of the first class.—The commissioner of labor statistics shall organize and establish in all cities of the first class a free public employment bureau, for the purpose of receiving applications of persons seeking employment, and applications of persons seeking to employ labor. No compensation or fee shall be charged or received, directly or indirectly, from persons applying for employment or help through any such bureau. Such commissioner shall appoint for each bureau so organized, and may remove for good and sufficient cause, a superintendent and such clerical assistants as, in his judgment, may be necessary for the proper administration of the affairs thereof. The salaries of such superintendents and clerks shall be fixed by the commissioner. Such salaries and the expenses of such bureaus shall be paid in the same manner as other expenses of the bureau of labor statistics.

SEC. 41. Duties of superintendent.—The superintendent of each free public employment bureau shall receive and record, in a book to be kept for that purpose, the names of all persons applying for employment or for help, designating opposite the name and address of each applicant the character of employment or help desired.

Each such superintendent shall report, on Thursday of each week, to the commissioner of labor statistics, the names and addresses of all persons applying for employment or help during the preceding week, the character of the employment or help desired, and the names of the persons receiving employment through his bureau. Such superintendent shall also perform such other duties in the collection of labor statistics, and in the keeping of books and accounts of his bureau, as the commissioner may require, and shall report semiannually to the commissioner of labor statistics the expense of maintaining his bureau.

SEC. 42. Applications; list of applicants.—Every application for employment or help made to a free public employment bureau shall be void after thirty days from its receipt, unless renewed by the applicant.

The commissioner of labor statistics shall cause two copies of a list of all applicants for employment or help, and the character of the employment or help desired, received by him from each free public employment bureau, to be mailed on Monday of each week to the superintendent of each bureau, one of which copies shall be posted by the superintendent, immediately on receipt thereof, in a conspicuous place in his office, subject to the inspection of all persons desiring employment or help, and the other shall be filed in his office for reference.

SEC. 43. Applicants for help; when to notify superintendent.—If an applicant for help has secured the same, he shall, within ten days thereafter, notify the superintendent of the bureau, to which application therefor was made. Such notice shall contain the name and last preceding address of the employees received through such

bureau. If any such applicant neglects to so notify such superintendent, he shall be barred from all future rights and privileges of such employment bureau, at the discretion of the commissioner of labor statistics to whom the superintendent shall report such neglect.

ARTICLE IV.—Convict-made goods, and duties of commissioner of labor statistics relative thereto.

SEC. 50. License for sale of convict-made goods.—No person or corporation shall sell, or expose for sale, any convict-made goods, wares or merchandise, either by sample or otherwise, without a license therefor. Such license may be obtained upon application in writing to the comptroller, setting forth the residence or post-office address of the applicant, the class of goods desired to be dealt in, the town, village or city, with the street number, if any, at which the business of such applicant is to be located. Such application shall be accompanied with a bond, executed by two or more responsible citizens, or some legally incorporated surety company authorized to do business in this State, to be approved by the comptroller, in the sum of five thousand dollars, and conditioned that such applicant will comply with all the provisions of law, relative to the sale of convict-made goods, wares and merchandise. Such license shall be for a term of one year unless sooner revoked. Such person or corporation shall pay, annually, on or before the fifteenth day of January, the sum of five hundred dollars as a license fee, into the treasury of the State, which amount shall be credited to the maintenance account of the State prisons.

Such license shall be kept conspicuously posted in the place of business of such licensee.

SEC. 51. Revocation of license.—The comptroller may revoke the license of any such person or corporation, upon satisfactory evidence of, or upon conviction for the violation of any statute regulating the sale of convict-made goods, wares or merchandise; such revocation shall not be made until after due notice to the licensee so complained of. For the purpose of this section, the comptroller or any person duly appointed by him, may administer oaths and subpoena witnesses and take and hear testimony.

SEC. 52. Annual statement of licensee.—Each person or corporation so licensed shall, annually, on or before the fifteenth day of January, transmit to the secretary of state a verified statement setting forth:

1. The name of the person or corporation licensed.
2. The names of the persons, agents, wardens or keepers of any prison, jail, penitentiary, reformatory or establishment using convict labor, with whom he has done business, and the name and address of the person or corporation to whom he has sold goods, wares and merchandise, and
3. In general terms, the amount paid to each of such agents, wardens or keepers, for goods, wares or merchandise and the character thereof.

SEC. 53. Labeling and marking convict-made goods.—All goods, wares and merchandise made by convict labor in a penitentiary, prison, reformatory or other establishment in which convict labor is employed, shall be branded, labeled or marked as herein provided. The brand, label or mark, used for such purpose, shall contain at the head or top thereof the words "convict-made," followed by the year when, and the name of the penitentiary, prison, reformatory or other establishment in which the article branded, labeled or marked was made.

Such brands, labels and marks shall be printed in plain English lettering, of the style and size known as great primer Roman condensed capitals. A brand or mark shall be used in all cases where the nature of the article will permit and only where such branding or marking is impossible shall a label be used. Such label shall be in the form of a paper tag and shall be attached by wire to each article, where the nature of the article will permit, and shall be placed securely upon the box, crate or other covering in which such goods, wares or merchandise are packed, shipped or exposed for sale.

Such brand, mark or label shall be placed upon the most conspicuous part of the finished article and its box, crate or covering.

No convict-made goods, wares or merchandise shall be sold or exposed for sale without such brand, mark or label.

SEC. 54. Duties of commissioner of labor statistics relative to violations; fines upon convictions.—The commissioner of labor statistics shall enforce the provisions of this article. If he has reason to believe that any of such provisions are being violated, he shall advise the district attorney of the county wherein such alleged violation has occurred of such fact, giving the information in support of his conclusion. The district attorney shall, at once, institute the proper proceedings to compel compliance with this article and secure conviction for such violations.

Upon the conviction of a person or corporation for a violation of this article, one-half of the fine recovered shall be paid and certified by the district attorney to the

commissioner of labor statistics, who shall use such money in investigating and securing information, in regard to violations of this act and in paying the expenses of such conviction.

SEC. 55. Articles not to apply to goods manufactured for the use of the State or a municipal corporation.—Nothing in this article shall apply to or affect the manufacture in State prisons, reformatories and penitentiaries, and furnishing of articles for the use of the offices, departments and institutions of the State or any political division thereof, as provided by chapter four hundred and twenty-nine of the laws of eighteen hundred and ninety-six.

ARTICLE V.—Factory inspector, assistant and deputies.

SEC. 60. Factory inspector and assistant.—There shall continue to be a factory inspector and assistant factory inspector, who shall be appointed by the governor, by and with the advice and consent of the senate. The term of office of each shall be three years. The term of office of the successor of the factory inspector and assistant factory inspector in office when this chapter takes effect shall be abridged so as to expire on the last day of December preceding the time when each such term would otherwise expire, and thereafter each such term shall begin on the first day of January. There shall be paid to the factory inspector an annual salary of three thousand dollars, and to the assistant factory inspector an annual salary of two thousand five hundred dollars.

SEC. 61. Deputies and clerks.—The factory inspector may appoint, from time to time, not more than thirty-six persons as deputy factory inspectors, not more than ten of whom shall be women, and who may be removed by him at any time. Each deputy inspector shall receive an annual salary of one thousand two hundred dollars. The factory inspector may designate six or more of such deputies to inspect the buildings and rooms occupied and used as bakeries and to enforce the provisions of this chapter relating to the manufacture of flour or meal food products. One of such deputies shall have a knowledge of mining, whose duty it shall be, under the direction of the factory inspector, to inspect mines and quarries and to enforce the provisions of this chapter relating thereto.

The factory inspector may appoint one or more of such deputies to act as clerk in his principal office.

SEC. 62. General powers and duties of factory inspector.—The factory inspector may divide the State into districts, assign one or more deputy inspectors to each district, and may, in his discretion, transfer them from one district to another.

The factory inspector shall visit and inspect, or cause to be visited and inspected, the factories, during reasonable hours, as often as practicable, and shall cause the provisions of this chapter to be enforced therein and prosecute all persons violating the same.

Any lawful municipal ordinance, by-law or regulation relating to factories or their inspection, in addition to the provisions of this chapter and not in conflict therewith, shall be observed and enforced by the factory inspector.

The factory inspector, assistant and each deputy may administer oaths and take affidavits in matters relating to the enforcement of the provisions of this chapter.

No person shall interfere with, obstruct or hinder, by force or otherwise, the factory inspector, assistant factory inspector or deputies while in the performance of their duties, or refuse to properly answer questions asked by such officers pertaining to the provisions of this chapter.

All notices, orders and directions of assistant or deputy factory inspectors given in accordance with this chapter are subject to the approval of the factory inspector.

SEC. 63. Reports.—The factory inspector shall report annually to the legislature in the month of January. The assistant factory inspector and each deputy shall report to the factory inspector, from time to time, as he may require.

SEC. 64. Badges.—The factory inspector may procure and cause to be used, badges for himself, his assistant and deputies, while in the performance of their duties, the cost of which shall be a charge upon the appropriation made for the use of the department.

SEC. 65. Payment of salaries and expenses.—All necessary expenses incurred by the factory inspector and his assistant in the discharge of their duties, shall be paid by the State treasurer, upon the warrant of the comptroller, issued upon proper vouchers therefor. The reasonable necessary traveling and other expenses of the deputy factory inspectors, while engaged in the performance of their duties, shall be paid in like manner upon vouchers approved by the factory inspector and audited by the comptroller. All such expenses and the salaries of the factory inspector, assistant and deputies shall be payable monthly.

SEC. 66. Suboffice in New York City.—The factory inspector may establish and maintain a suboffice in the city of New York, if, in his opinion, the duties of his

office demand it. He may designate one or more of the deputy factory inspectors to take charge of and manage such office, subject to his direction. The reasonable and necessary expenses of such office shall be paid, as are other expenses of the factory inspector.

SEC. 67. Duties of factory inspector relative to apprentices.—The factory inspector, his assistant and deputies shall enforce the provisions of the Domestic Relations Law, relative to indentures of apprentices, and prosecute employers for failure to comply with the provisions of such indentures and of such law in relation thereto.

ARTICLE VI.—Factories.

SEC. 70. Employment of minors.—A child under the age of fourteen years shall not be employed in any factory in this State. A child between the ages of fourteen and sixteen years shall not be so employed, unless a certificate executed by a health officer be filed in the office of the employer.

SEC. 71. Certificate for employment, how issued.—Such certificate shall be issued by the executive officer of the board, department or commissioner of health of the city, town or village where such child resides, or is to be employed, or by such other officer thereof as may be designated, by resolution, for that purpose, upon the application of the child desiring such employment. At the time of making such application, there shall be filed with such board, department, commissioner or officer, the affidavit of the parent or guardian of such child, or the person standing in parental relation thereto, showing the date and place of birth of such child. Such certificate shall not be issued unless the officer issuing the same is satisfied that such child is fourteen years of age or upward, and is physically able to perform the work which he intends to do. No fee shall be demanded or received for administering an oath as required by this section.

SEC. 72. Contents of certificate.—Such certificate shall state the date and place of birth of the child, if known, and describe the color of the hair and eyes, the height and weight and any distinguishing facial marks of such child, and that, in the opinion of the officer issuing such certificate, such child is upward of fourteen years of age, and is physically able to perform the work which he intends to do.

SEC. 73. School attendance required.—No such certificate shall be granted unless it appears to the satisfaction of such board, department, commissioner or officer, that the child applying therefor has regularly attended at a school in which reading, spelling, writing, arithmetic, English grammar and geography are taught, or upon equivalent instruction by a competent teacher elsewhere than at a school, for a period equal to one school year, during the year previous to his arriving at the age of fourteen years, or during the year previous to applying for such certificate, and is able to read and write simple sentences in the English language.

The principal or chief executive officer of a school, or teacher elsewhere than at a school, shall furnish, upon demand, to a child who has attended at such school or been instructed by such teacher, or to the factory inspector, his assistant or deputies, a certificate stating the school attendance of such child.

SEC. 74. Vacation certificates.—A child of fourteen years of age, who can read and write simple sentences in the English language, may be employed in a factory during the vacation of the public schools of the city or school district where such child resides, upon complying with all the provisions of the foregoing sections, except that requiring school attendance. The certificate issued to such child shall be designated a "vacation certificate," and no employer shall employ a child to whom such a certificate has been issued, to work in a factory at any time other than the time of the vacation of the public school in the city or school district where such factory is situated.

SEC. 75. Report of certificates issued.—The board or department of health or health commissioner of a city, village or town, shall transmit, between the first and tenth day of each month, to the office of the factory inspector a list of the names of the children to whom certificates have been issued.

SEC. 76. Registry of children employed.—Each person owning or operating a factory and employing children therein shall keep, or cause to be kept in the office of such factory, a register, in which shall be recorded the name, birthplace, age and place of residence of all children so employed under the age of sixteen years.

Such register and the certificates filed in such office shall be produced for inspection, upon the demand of the factory inspector, his assistant or deputies.

SEC. 77. Hours of labor of minors.—A female under the age of twenty-one years or a male under the age of eighteen years shall not be employed at labor in any factory in this State before six o'clock in the morning or after nine o'clock in the evening of any day, or for more than ten hours in any one day or sixty hours in any one week, except to make a shorter work day on the last day of the week; or more hours in any one week than will make an average of ten hours per day for the whole number of days so worked. A printed notice stating the number of hours per day for each day

of the week required of such persons, and the time when such work shall begin and end, shall be kept posted in a conspicuous place in each room where they are employed.

But such persons may begin their work after the time for beginning and stop before the time for ending such work, mentioned in such notice, but they shall not be required to perform any labor in such factory, except as stated therein. The terms of such notice shall not be changed after the beginning of labor on the first day of the week without the consent of the factory inspector.

SEC. 78. Change of hours of labor of minors.—When, in order to make a shorter work day on the last day of the week, a female under twenty-one, or a male under eighteen years of age, is to be required or permitted to work in a factory more than ten hours in a day, the employer of such persons shall notify the factory inspector, in writing, of such intention, stating the number of hours of labor per day, which it is proposed to require or permit, and the time when it is proposed to cease such requirement or permission; a similar notification shall be made when such requirement or permission has actually ceased. A record of the names of the employees thus required or permitted to work overtime, with the amount of such overtime and the days upon which such work was performed, shall be kept in the office of such factory, and produced upon the demand of the factory inspector.

SEC. 79. Inclosure and operation of elevators and hoisting shafts; inspection.—If, in the opinion of the factory inspector, it is necessary to protect the life or limbs of factory employees, the owner, agent, or lessee of such factory where an elevator, hoisting shafts, or wellhole is used, shall cause, upon written notice from the factory inspector, the same to be properly and substantially inclosed, secured or guarded, and shall provide such proper traps or automatic doors so fastened in or at all elevator ways, except passenger elevators inclosed on all sides, as to form a substantial surface when closed and so constructed as to open and close by action of the elevator in its passage either ascending or descending. The factory inspector may inspect the cable, gearing or other apparatus of elevators in factories and require them to be kept in a safe condition.

No child under the age of fifteen years shall be employed or permitted to have the care, custody or management of or to operate an elevator in a factory, nor shall any person under the age of eighteen years be employed or permitted to have the care, custody or management of or to operate an elevator therein, running at a speed of over two hundred feet a minute.

SEC. 80. Stairs and doors.—Proper and substantial hand rails shall be provided on all stairways in factories. The steps of such stairs shall be covered with rubber, securely fastened thereon, if in the opinion of the factory inspector the safety of employees would be promoted thereby. The stairs shall be properly screened at the sides and bottom. All doors leading in or to any such factory shall be so constructed as to open outwardly where practicable, and shall not be locked, bolted or fastened during working hours.

SEC. 81. Protection of employees operating machinery.—The owner or person in charge of a factory where machinery is used, shall provide, in the discretion of the factory inspector, belt shifters or other mechanical contrivances for the purpose of throwing on or off belts or pulleys. Whenever practicable, all machinery shall be provided with loose pulleys. All vats, pans, saws, planers, cogs, gearing, belting, shafting, set screws and machinery, of every description, shall be properly guarded. No person shall remove or make ineffective any safeguard around or attached to machinery, vats or pans, while the same are in use, unless for the purpose of immediately making repairs thereto, and all such safeguards so removed shall be promptly replaced. Exhaust fans of sufficient power shall be provided for the purpose of carrying off dust from emery wheels, grindstones and other machinery creating dust. If a machine or any part thereof is in a dangerous condition or is not properly guarded, the use thereof may be prohibited by the factory inspector, and a notice to that effect shall be attached thereto. Such notice shall not be removed until the machine is made safe and the required safeguards are provided, and in the meantime such unsafe or dangerous machinery shall not be used. When, in the opinion of the factory inspector, it is necessary, the halls leading to workrooms shall be properly lighted. No male person under eighteen years of age or woman under twenty-one shall be permitted or directed to clean machinery while in motion.

SEC. 82. Fire escapes.—Such fire escapes as may be deemed necessary by the factory inspector shall be provided on the outside of every factory in this State consisting of three or more stories in height. Each escape shall connect with each floor above the first, and shall be of sufficient strength, well fastened and secured, and shall have landings or balconies not less than six feet in length and three feet in width, guarded by iron railings not less than three feet in height, embracing at least two windows at each story and connected with the interior by easily accessible and unobstructed openings. The balconies or landings shall be connected by iron stairs, not less than eighteen inches wide, with steps of not less than six inches tread,

placed at a proper slant and protected by a well-secured hand rail on both sides, and shall have a drop ladder not less than twelve inches wide reaching from the lower platform to the ground.

The windows or doors to the landing or balcony of each fire escape shall be of sufficient size and located as far as possible, consistent with accessibility from the stairways and elevator hatchways or openings, and a ladder from such fire escape shall extend to the roof. Stationary stairs or ladders shall be provided on the inside of every factory from the upper story to the roof, as a means of escape in case of fire.

SEC. 83. Factory inspector may order erection of fire escapes.—Any other plan or style of fire escape shall be sufficient if approved in writing by the factory inspector. If there is no fire escape, or the fire escape in use is not approved by the factory inspector, he may, by a written order served upon the owner, proprietor or lessee of any factory, or the agent or superintendent thereof, or either of them, require one or more fire escapes to be provided therefor, at such locations and of such plan and style as shall be specified in such order.

Within twenty days after the service of such order, the number of fire escapes required therein shall be provided, each of which shall be of the plan and style specified in the order, or of the plan and style described in the preceding section.

SEC. 84. Walls and ceilings.—The walls and ceilings of each workroom in a factory shall be lime-washed or painted, when in the opinion of the factory inspector, it will be conducive to the health or cleanliness of the persons working therein.

SEC. 85. Size of rooms.—No more employees shall be required or permitted to work in a room in a factory between the hours of six o'clock in the morning and six o'clock in the evening than will allow to each of such employees, not less than two hundred and fifty cubic feet of air space; and, unless by a written permit of the factory inspector, not less than four hundred cubic feet for each employee, so employed between the hours of six o'clock in the evening and six o'clock in the morning, provided such room is lighted by electricity at all times during such hours, while persons are employed therein.

SEC. 86. Ventilation.—The owner, agent or lessee of a factory shall provide, in each workroom thereof, proper and sufficient means of ventilation; in case of failure the factory inspector shall order such ventilation to be provided. Such owner, agent or lessee shall provide such ventilation within twenty days after the service upon him of such order, and in case of failure, shall forfeit to the people of the State, ten dollars for each day after the expiration of such twenty days, to be recovered by the factory inspector, in his name of office.

SEC. 87. Accidents to be reported.—The person in charge of any factory, shall report in writing to the factory inspector all accidents or injuries sustained by any person therein, within forty-eight hours after the time of the accident, stating as fully as possible the extent and cause of the injury, and the place where the injured person has been sent, with such other information relative thereto as may be required by the factory inspector who may investigate the cause of such accident, and require such precautions to be taken as will, in his judgment, prevent the recurrence of similar accidents.

SEC. 88. Wash room and water-closets.—Every factory shall contain a suitable, convenient and separate water-closet or water-closets for each sex, which shall be properly screened, ventilated and kept clean and free from all obscene writing or marking; and also a suitable and convenient wash room. The water-closets used by women shall have separate approaches. If women or girls are employed, a dressing room shall be provided for them, when required by the factory inspector.

SEC. 89. Time allowed for meals.—In each factory at least sixty minutes shall be allowed for the noonday meal, unless the factory inspector shall permit a shorter time. Such permit must be in writing and conspicuously posted in the main entrance of the factory, and may be revoked at any time. Where employees are required or permitted to work overtime for more than one hour after six o'clock in the evening, they shall be allowed at least twenty minutes to obtain a lunch, before beginning to work overtime.

SEC. 90. Inspection of factory buildings.—The factory inspector, or other competent person designated by him, upon request, shall examine any factory outside of the cities of New York and Brooklyn, to determine whether it is in a safe condition. If it appears to him to be unsafe, he shall immediately notify the owner, agent or lessee thereof, specifying the defects, and require such repairs and improvements to be made as he may deem necessary. If the owner, agent or lessee shall fail to comply with such requirement, he shall forfeit to the people of the State the sum of fifty dollars, to be recovered by the factory inspector in his name of office.

ARTICLE VII.—Tenement-made articles.

SEC. 100. Manufacture of articles in tenements.—No room or apartment in a tenement or dwelling house shall be used, except by the immediate members of the family living therein, for the manufacture of coats, vests, trousers, knee pants, overalls, cloaks, hats, caps, suspenders, jerseys, blouses, waists, waistbands, underwear, neckwear, furs, fur trimmings, fur garments, shirts, skirts, purses, feathers, artificial flowers, cigarettes or cigars. No person shall be employed to work in a room or apartment of a building in the rear of a tenement or dwelling house at manufacturing any of such articles, without first obtaining from the factory inspector a written permit stating the maximum number of employees allowed to work therein. Before such permit shall be granted, an inspection of the premises must be made by the factory inspector. Such notice must be framed and posted in a conspicuous place in each room or apartment to which it relates. It may be revoked by the factory inspector if the health of the community or of the employees requires it.

SEC. 101. Register of persons to whom work is given.—Persons contracting for the manufacture of such articles, or giving out material from which they or any part of them are to be manufactured, shall keep a written register of the names and addresses of the persons to whom such work is given to be made, or with whom they have contracted to do the same. Such register shall be subject to inspection by the factory inspector, and a copy thereof shall be furnished on his demand.

SEC. 102. Goods unlawfully manufactured to be labeled.—Such articles manufactured contrary to the provisions of this section shall not be knowingly sold or exposed for sale by any person.

The factory inspector shall conspicuously affix to any such article found to be unlawfully manufactured, a label containing the words "tenement made," printed in small pica capital letters on a tag not less than four inches in length, and an officer finding such article shall notify the person owning or alleging to own such article that he has so labeled it. No person shall remove or deface any tag or label so affixed.

SEC. 103. Powers and duties of boards of health relative to factory-made articles.—If the factory inspector discovers any of the articles mentioned in this article to be made under unclean or unhealthful conditions, he shall affix to such articles the label prescribed in the preceding section, and immediately report to the local board of health, who shall disinfect such articles, if necessary, and thereupon remove such label. If the factory inspector is convinced that infectious or contagious diseases exist in a workshop, or that articles manufactured or in process of manufacture therein are infected, or that goods used therein are unfit for use, he shall report to the local board of health, and such board shall issue such order as the public health may require. Such board may condemn and destroy all such infected articles or articles manufactured or in the process of manufacture under unclean or unhealthful conditions.

SEC. 104. Owners of tenement and dwelling houses not to permit the unlawful use thereof.—The owner, lessee or agent of a tenement or dwelling house shall not permit the use thereof for the manufacture of any of the articles mentioned in this article contrary to its provisions. If a room or apartment in such tenement or dwelling house be so unlawfully used, the factory inspector shall serve a notice thereof upon such owner, lessee or agent.

Unless such owner, lessee or agent shall cause such unlawful manufacture to be discontinued within thirty days after the service of such notice, or, within fifteen days thereafter, institutes and faithfully prosecutes proceedings for the dispossession of the occupant of a tenement or dwelling house, who unlawfully manufactures such articles in any room or apartment therein, he shall be deemed guilty of a violation of this article, as if he, himself, was engaged in such unlawful manufacture.

The unlawful manufacture of any of such articles by the occupant of a room or apartment of a tenement or dwelling house, shall be a cause for dispossessing such occupant by summary proceedings to recover possession of real property, as provided in the Code of Civil Procedure.

SEC. 105. Copy of articles to be posted.—A copy of articles five, six and seven shall be posted in a conspicuous place in each workroom of every factory where persons are employed who are affected by the provisions thereof.

ARTICLE VIII.—Bakeries and confectionery establishments.

SEC. 110. Hours of labor in bakeries and confectionery establishments.—No employee shall be required or permitted to work in a biscuit, bread or cake bakery or confectionery establishment more than sixty hours in any one week, or more than ten hours in any one day, unless for the purpose of making a shorter work day on

the last day of the week; nor more hours in any one week than will make an average of ten hours per day for the number of days during such week in which such employee shall work.

SEC. 111. Drainage and plumbing of buildings and rooms occupied by bakeries.—All buildings or rooms occupied as biscuit, bread, pie, or cake bakeries, shall be drained and plumbed in a manner conducive to the proper and healthful sanitary condition thereof, and shall be constructed with air shafts, windows or ventilating pipes, sufficient to insure ventilation. The factory inspector may direct the proper drainage, plumbing and ventilation of such rooms or buildings. No cellar or basement, not now used for a bakery shall hereafter be so occupied or used, unless the proprietor shall comply with the sanitary provisions of this article.

SEC. 112. Requirements as to rooms, furniture, utensils and manufactured products.—Every room used for the manufacture of flour or meal food products shall be at least eight feet in height and shall have, if deemed necessary by the factory inspector, an impermeable floor constructed of cement, or of tiles laid in cement, or an additional flooring of wood properly saturated with linseed oil. The side walls of such rooms shall be plastered or wainscoted. The factory inspector may require the side walls and ceilings to be whitewashed, at least once in three months. He may also require the woodwork of such walls to be painted. The furniture and utensils shall be so arranged as to be readily cleaned and not prevent the proper cleaning of any part of a room. The manufactured flour or meal food products shall be kept in dry and airy rooms so arranged that the floors, shelves and all other facilities for storing the same can be properly cleansed. No domestic animals, except cats, shall be allowed to remain in a room used as a biscuit, bread, pie, or cake bakery or any room in such bakery where flour or meal products are stored.

SEC. 113. Wash room and closets; sleeping places.—Every such bakery shall be provided with a proper wash room and water-closet or water-closets apart from the bake room, or rooms where the manufacture of such food product is conducted, and no water-closet, earth-closet, privy or ash pit shall be within or connected directly with the bake room of any bakery, hotel or public restaurant.

No person shall sleep in a room occupied as a bake room. Sleeping places for the persons employed in the bakery shall be separate from the rooms where flour or meal food products are manufactured or stored. If the sleeping places are on the same floor where such products are manufactured, stored or sold, the factory inspector may inspect and order them put in a proper sanitary condition.

SEC. 114. Inspection of bakeries.—The factory inspector shall cause all bakeries to be inspected. If it be found upon such inspection that the bakeries so inspected are constructed and conducted in compliance with the provisions of this chapter, the factory inspector shall issue a certificate to the persons owning or conducting such bakeries.

SEC. 115. Notice requiring alterations.—If, in the opinion of the factory inspector, alterations are required in or upon premises occupied and used as bakeries, in order to comply with the provisions of this article, a written notice shall be served by him upon the owner, agent or lessee of such premises, either personally or by mail, requiring such alterations to be made within sixty days after such service, and such alterations shall be made accordingly.

ARTICLE IX.—Mines and their inspection.

SEC. 120. Duties of factory inspector relating to mines; record and report.—The factory inspector shall see that every necessary precaution is taken to insure the safety and health of employees employed in the mines and quarries of the State and shall prescribe rules and regulations therefor; keep a record of the names and location of such mines and quarries, and the names of the persons or corporations owning or operating the same; collect data concerning the working thereof; examine carefully into the method of timbering shafts, drifts, inclines, slopes and tunnels, through which employees and other persons pass, in the performance of their daily labor, and see that the persons or corporations owning and operating such mines and quarries comply with the provisions of this chapter; and such information shall be furnished by the person operating such mine or quarry, upon the demand of the factory inspector.

The factory inspector shall keep a record of all mine and quarry examinations, showing the date thereof, and the condition in which the mines and quarries are found, and the manner of working the same. He shall make an annual report to the legislature during the month of January, containing a statement of the number of mines and quarries visited, the number in operation, the number of men employed, and the number and cause of accidents, fatal and nonfatal, that may have occurred in and about the same.

SEC. 121. Outlets of mines.—If, in the opinion of the factory inspector, it is necessary for safety of employees, the owner, operator or superintendent of a mine,

operating through either a vertical or oblique shaft, or a horizontal tunnel, shall not employ any person therein unless there are in connection with the subterranean workings thereof not less than two openings or outlets, at least one hundred and fifty feet apart, and connected with each other. Such openings or outlets shall be so constructed as to provide safe and distinct means of ingress and egress from and to the surface, at all times, for the use of the employees of such mine.

SEC. 122. Ventilation and timbering of mines.—In each mine a ventilating current shall be conducted and circulated along the face of all working places and through the roadways, in sufficient quantities to insure the safety of employees and remove smoke and noxious gases.

Each owner, agent, manager or lessee of a mine shall cause it to be properly timbered, and the roof and sides of each working place therein properly secured. No person shall be required or permitted to work in an unsafe place or under dangerous material, except to make it secure.

SEC. 123. Riding on loaded cars; storage of inflammable supplies.—No person shall ride or be permitted to ride on any loaded car, cage or bucket into or out of a mine. No powder or oils of any description shall be stored in a mine or quarry, or in or around shafts, engine or boiler houses, and all supplies of an inflammable and destructive nature shall be stored at a safe distance from the mine openings.

SEC. 124. Inspection of steam boilers and apparatus; steam and water gauges.—All boilers used in generating steam for mining purposes shall be kept in good order, and the owner, agent, manager or lessee of such mine shall have such boilers inspected by a competent person, approved by the factory inspector, once in six months, and shall file a certificate showing the result thereof in the mine office and a duplicate thereof in the office of the factory inspector. All engines, brakes, cages, buckets, ropes and chains shall be kept in good order and inspected daily by the superintendent of the mine or a person designated by him.

Each boiler or nest of boilers used in mining for generating steam, shall be provided with a proper safety valve and with steam and water gauges, to show, respectively, the pressure of steam and the height of water in the boilers. Every boiler house in which a boiler or nest of boilers is placed, shall be provided with a steam gauge properly connected with the boilers, and another steam gauge shall be attached to the steam pipe in the engine house, and so placed that the engineer or fireman can readily ascertain the pressure carried.

SEC. 125. Use of explosives; blasting.—When high explosives other than gunpowder are used in a mine or quarry, the manner of storing, keeping, moving, charging and firing, or in any manner using such explosives, shall be in accordance with rules prescribed by the factory inspector.

In charging holes for blasting, in slate, rock or ore in any mine or quarry, no iron or steel-pointed needle or tamping bar shall be used, unless the end thereof is tipped with at least six inches of copper or other soft material. No person shall be employed to blast unless the mine superintendent or person having charge of such mine, is satisfied that he is qualified, by experience, to perform the work with ordinary safety. When a blast is about to be fired in a mine timely notice thereof shall be given by the person in charge of the work, to all persons who may be in danger therefrom.

SEC. 126. Report of accidents.—Whenever loss of life or serious accident shall occur in the operation of a mine or quarry, the owner, agent, manager or lessee thereof shall immediately report, in writing, all the facts connected therewith to the factory inspector.

SEC. 127. Notice of dangerous condition.—If the factory inspector, after examination or otherwise, is of the opinion that a mine or anything used in the operation thereof, is unsafe, he shall immediately serve a written notice, specifying the defects, upon the owner, agent, manager or lessee, who shall forthwith remedy the same.

SEC. 128. Enforcement of article.—The factory inspector may serve a written notice upon the owner, agent, manager or lessee of a mine requiring him to comply with a specified provision of this article. The factory inspector may thereafter begin an action in the supreme court to enforce compliance with such provisions; and upon such notice as the court directs, an order may be granted, restraining the working of such mine during such time as may be therein specified.

SEC. 129. Admission of inspectors to mines.—The owner, agent, manager or lessee of a mine, at any time, either day or night, shall admit to such mine or any building used in the operation thereof, the factory inspector or any person duly authorized by him, for the purpose of making the examinations and inspections necessary for the enforcement of this article, and shall render any necessary assistance for such inspections.

ARTICLE X.—State board of mediation and arbitration.

SECTION 140. Organization of board.—There shall continue to be a State board of mediation and arbitration, consisting of three competent persons to be known as arbitrators, appointed by the governor, by and with the advice and consent of the senate, each of whom shall hold his office for the term of three years, and receive an annual salary of three thousand dollars. The term of office of the successors of the members of such board in office when this chapter takes effect, shall be abridged so as to expire on the thirty-first day of December preceding the time when each such term would otherwise expire, and thereafter each term shall begin on the first day of January.

One member of such board shall belong to the political party casting the highest, and one to the party casting the next highest number of votes for governor at the last preceding gubernatorial election. The third shall be a member of an incorporated labor organization of this State.

Two members of such board shall constitute a quorum for the transaction of business, and may hold meetings at any time or place within the State. Examinations or investigations ordered by the board may be held and taken by and before any of their number, if so directed, but a decision rendered in such a case shall not be deemed conclusive until approved by the board.

SEC. 141. Secretary and his duties.—The board shall appoint a secretary, whose term of office shall be three years. He shall keep a full and faithful record of the proceedings of the board, and all documents and testimony forwarded by the local boards of arbitration, and shall perform such other duties as the board may prescribe. He may, under the direction of the board, issue subpoenas and administer oaths in all cases before the board, and call for and examine books, papers and documents of any parties to the controversy.

He shall receive an annual salary of two thousand dollars, payable in the same manner as that of the members of the board.

SEC. 142. Arbitration by the board.—A grievance or dispute between an employer and his employees may be submitted to the board of arbitration and mediation for their determination and settlement. Such submission shall be in writing, and contain a statement in detail of the grievance or dispute and the cause thereof, and also an agreement to abide the determination of the board, and during the investigation to continue in business or at work, without a lockout or strike.

Upon such submission, the board shall examine the matter in controversy. For the purpose of such inquiry they may subpoena witnesses, compel their attendance and take and hear testimony. Witnesses shall be allowed the same fees as in courts of record. The decision of the board must be rendered within ten days after the completion of the investigation.

SEC. 143. Mediation in case of strike or lockout.—Whenever a strike or lockout occurs or is seriously threatened, the board shall proceed as soon as practicable to the locality thereof, and endeavor by mediation to effect an amicable settlement of the controversy. It may inquire into the cause thereof, and for that purpose has the same power as in the case of a controversy submitted to it for arbitration.

SEC. 144. Decisions of board.—Within ten days after the completion of every examination or investigation authorized by this article, the board or a majority thereof shall render a decision, stating such details as will clearly show the nature of the controversy and the points disposed of by them, and make a written report of their findings of fact and of their recommendations to each party to the controversy.

Every decision and report shall be filed in the office of the board and a copy thereof served upon each party to the controversy, and in case of a submission to arbitration, a copy shall be filed in the office of the clerk of the county or counties where the controversy arose.

SEC. 145. Annual report.—The board shall make an annual report to the legislature, and shall include therein such statements and explanations as will disclose the actual work of the board, the facts relating to each controversy considered by them and the decision thereon together with such suggestions as to legislation as may seem to them conducive to harmony in the relations of employers and employees.

SEC. 146. Submission of controversies to local arbitrators.—A grievance or dispute between an employer and his employees may be submitted to a board of arbitrators, consisting of three persons, for hearing and settlement. When the employees concerned are members in good standing of a labor organization, which is represented by one or more delegates in a central body, one arbitrator may be appointed by such central body and one by the employer. The two so designated shall appoint a third, who shall be chairman of the board.

If the employees concerned in such grievance or dispute are members of good standing of a labor organization which is not represented in a central body, the organization of which they are members may select and designate one arbitrator.

If such employees are not members of a labor organization, a majority thereof at a meeting duly called for that purpose, may designate one arbitrator for such board.

SEC. 147. Consent; oath; powers of arbitrators.—Before entering upon his duties, each arbitrator so selected shall sign a consent to act and take and subscribe an oath to faithfully and impartially discharge his duties as such arbitrator, which consent and oath shall be filed in the clerk's office of the county or counties where the controversy arose. When such board is ready for the transaction of business, it shall select one of its members to act as secretary, and notice of the time and place of hearing shall be given to the parties to the controversy.

The board may, through its chairman subpoena witnesses, compel their attendance and take and hear testimony.

The board may make and enforce rules for its government and the transaction of the business before it, and fix its sessions and adjournments.

SEC. 148. Decision of arbitrators.—The board shall, within ten days after the close of the hearing, render a written decision signed by them giving such details as clearly show the nature of the controversy and the questions decided by them. Such decision shall be a settlement of the matter submitted to such arbitrators, unless within ten days thereafter an appeal is taken therefrom to the State board of mediation and arbitration.

One copy of the decision shall be filed in the office of the clerk of the county or counties where the controversy arose and one copy shall be transmitted to the secretary of the State board of mediation and arbitration.

SEC. 149. Appeals.—The State board of mediation and arbitration shall hear, consider and investigate every appeal to it from any such board of local arbitrators and its decisions shall be in writing and a copy thereof filed in the clerk's office of the county or counties where the controversy arose and duplicate copies served upon each party to the controversy. Such decision shall be final and conclusive upon all parties to the arbitration.

ARTICLE XI.—Employment of women and children in mercantile establishments.

SEC. 160. Application of article.—The provisions of this article shall apply to all villages and cities which at the last preceding State enumeration had a population of three thousand or more.

SEC. 161. Hours of labor of minors.—No male employee, under sixteen years of age, and no female employee, under twenty-one years of age, shall be required to work in any mercantile establishment more than sixty hours in any one week, nor more than ten hours in any one day, unless for the purpose of making a shorter work day of some one day of the week, nor shall any such employee be required or permitted to work before seven o'clock in the morning or after ten o'clock in the evening of any day. This section does not apply to the employment of such persons on Saturday, provided the total number of hours of labor in a week of any such person does not exceed sixty hours, nor to the employment of such persons between the fifteenth day of December and the following first day of January. Not less than forty-five minutes shall be allowed for the noonday meal of the employees of any such establishment.

SEC. 162. Employment of children.—A child under the age of fourteen years shall not be employed in any mercantile establishment, except that a child upward of twelve years of age may be employed therein during the vacation of the public schools of the city or district where such establishment is situated. No child under the age of sixteen years shall be employed in any mercantile establishment, unless such child shall produce a certificate issued as provided in this article, to be filed in the office of such establishment.

SEC. 163. Certificate for employment; how issued.—Such certificate shall be issued by the executive officer of the board, department or commissioner of health of the city, town or village, where such child resides or is to be employed, or by such other officer thereof as may be designated, by resolution for that purpose, upon the application of the child desiring such employment. At the time of making such application there shall be filed with such board, department, commissioner or officer, the affidavit of the parent or guardian of such child or the person standing in parental relation thereto, showing the date and place of birth of such child. Such certificate shall not be issued unless the officer issuing the same, is satisfied that such child is fourteen years of age or upward, and is physically able to perform the work, which he intends to do. No fee shall be demanded or received for administering an oath as required by this section.

SEC. 164. Contents of certificate.—Such certificate shall state the date and place of birth of the child, if known, and describe the color of the hair and eyes, the height and weight and any distinguishing facial marks of such child, and that, in the opinion of the officer issuing such certificate, such child is upward of fourteen years of age, and is physically able to perform the work which he intends to do.

SEC. 165. School attendance required.—No such certificate shall be issued unless it appears to the satisfaction of such board, department, commissioner or officer, that the child applying therefor has regularly attended at a school in which reading, spelling, writing, arithmetic, English grammar and geography are taught, or upon equivalent instruction by a competent teacher elsewhere than at a school, for a period equal in length to one school year, during the year previous to his arriving at the age of fourteen years, or during the year previous to applying for such certificate, and is able to read and write simple sentences in the English language.

The principal or other executive officer of a school at which a child has been in attendance, or the teacher who has instructed such child elsewhere than at a school, shall furnish to such child or to the board or department of health, or health officer or commissioner, upon demand, a statement of the school attendance of such child.

SEC. 166. Employment of children during vacations of public schools.—Children of the age of twelve years or more who can read and write simple sentences in the English language may be employed in mercantile establishments during the vacation of the public schools in the city or school district where such children reside, upon complying with all the provisions of this section, except that requiring school attendance. Certificates, to be designated as "vacation certificates," may be issued to such children in the same form, containing the same statements and issued by the same officers as the other certificates required by this article. Such vacation certificate shall specify the time in which the child may be employed in a mercantile establishment, which in no case shall be other than the time in which the public schools where such children reside, are closed for a vacation.

SEC. 167. Registry of children employed.—The owner, manager or agent of a mercantile establishment employing children, shall keep, or cause to be kept, in the office of such establishment, a register, in which shall be recorded the name, birth-place, age and place of residence of all children so employed under the age of sixteen years.

Such register and the certificates filed in such office shall be produced for inspection, upon the demand of an officer of the board, department or commissioner of health of the town, village or city where such establishment is situated.

SEC. 168. Wash rooms and water-closets.—Suitable and proper wash rooms and water-closets shall be provided in, adjacent to or connected with mercantile establishments where women and children are employed. Such rooms and closets shall be so located and arranged as to be easily accessible to the employees of such establishments.

Such water-closets shall be properly screened and ventilated, and, at all times, kept in a clean condition. The water-closets assigned to the female employees of such establishments shall be separate from those assigned to the male employees.

If a mercantile establishment has not provided wash rooms and water-closets, as required by this section, the board or department of health or health commissioners of the town, village or city where such establishment is situated, shall cause to be served upon the owner of the building occupied by such establishment, a written notice of the omission and directing such owner to comply with the provisions of this section respecting such wash rooms and water-closets.

Such owner shall, within fifteen days after the receipt of such notice, cause such wash rooms and water-closets to be provided.

SEC. 169. Lunch rooms.—If a lunch room is provided in a mercantile establishment where females are employed, such lunch room shall not be next to or adjoining the water-closets, unless permission is first obtained from the board or department of health or health commissioners of the town, village or city where such mercantile establishment is situated. Such permission shall be granted unless it appears that proper sanitary conditions do not exist, and it may be revoked at any time by the board or department of health or health commissioner, if it appears that such lunch room is kept in a manner or in a part of the building injurious to the health of the employees.

SEC. 170. Seats for women in mercantile establishments.—Chairs, stools or other suitable seats shall be maintained in mercantile establishments for the use of female employees therein, to the number of at least one seat for every three females employed, and the use thereof by such employees shall be allowed at such times and to such extent as may be necessary for the preservation of their health. If the duties of the female employees, for the use of whom the seats are furnished, are to be principally performed in front of a counter, table, desk or fixture, such seats shall be placed in front thereof; if such duties are to be principally performed behind such counter, table, desk or fixture, such seats shall be placed behind the same.

SEC. 171. Employment of women and children in basements.—Women or children shall not be employed or directed to work in the basement of a mercantile establishment, unless permitted by the board or department of health, or health commissioner of the town, village or city where such mercantile establishment is situated.

Such permission shall be granted unless it appears that such basement is not sufficiently lighted and ventilated, and is not in good sanitary condition.

SEC. 172. Enforcement of article.—The board or department of health or health commissioners of a town, village or city affected by this article shall enforce the same and prosecute all violations thereof. Proceedings to prosecute such violations must be begun within thirty days after the alleged offense was committed. All officers and members of such boards or department, all health commissioners, inspectors and other persons appointed or designated by such boards, departments or commissioners may visit and inspect, at reasonable hours and when practicable and necessary, all mercantile establishments within the town, village or city for which they are appointed. No person shall interfere with or prevent any such officer from making such visitations and inspections, nor shall he be obstructed or injured by force or otherwise while in the performance of his duties. All persons connected with any such mercantile establishment shall properly answer all questions asked by such officer or inspector in reference to any of the provisions of this article.

SEC. 173. Copy of article to be posted.—A copy of this article shall be posted in three conspicuous places in each mercantile establishment affected by its provisions.

ARTICLE XII.—Examination and registration of horseshoers.

SEC. 180. Application of article.—This article applies to all cities of the first and second class.

SEC. 181. Board of examiners.—There shall continue to be a board of examiners of horseshoers consisting of one veterinarian, two master horseshoers and two journeyman horseshoers, all of whom shall be citizens and residents of cities of the first or second class. The examiners in office when this chapter takes effect shall continue therein until the thirty-first day of December following the date of the expiration of the terms for which they were respectively appointed, and thereafter their successors shall be appointed by the governor for a term of five years.

SEC. 182. Examination of applicants.—The board of examiners shall, as often as necessary, hold sessions in the cities affected by this article for the purpose of examining applicants, desiring to practice as master or journeyman horseshoers. A person is not qualified to take such examination unless he has served an apprenticeship at horseshoeing for at least three years.

If the person examined is shown to be qualified to practice horseshoeing, the board shall issue to him a certificate stating his name and residence, the time when examined, when and where his apprenticeship was served, and that he is qualified to practice as a master or journeyman horseshoer.

Before he is entitled to be examined, an applicant must file with the board a written application stating his name, place of residence, and when, where and with whom his apprenticeship has been served.

The board shall receive as compensation a fee of five dollars from each person examined.

SEC. 183. Registration of horseshoers.—Each journeyman or master horseshoer shall present such certificate to the clerk of the county where he proposes to practice, and such clerk shall cause his name, residence and place of business to be registered in a book to be known as the "master and journeyman horseshoers' register." For each name so registered, the clerk is entitled to a fee of twenty-five cents. No person shall practice horseshoeing as a master or journeyman horseshoer in a city of the first or second class unless he is registered and has a certificate, as provided by this article.

SEC. 184. Practice without examination.—A person who has practiced as a master or journeyman horseshoer outside a city of the first or second class and within the United States continuously for a period of three years may present to the board of examiners his affidavit, stating his name, age, place of residence and when and where he has practiced as such horseshoer. The board shall thereupon issue to him a certificate stating the facts set forth in such affidavit, and that such person is entitled to practice as a master or journeyman horseshoer, as the case may be.

The person to whom the certificate is issued shall present it to the county clerk of the county where he intends to practice, and his name shall be registered, as provided in the preceding section. Such person may thereafter practice as a master or journeyman horseshoer in such county without examination.

The board is entitled to a fee of one dollar for each certificate issued under this section.

ARTICLE XIII.—Laws repealed; when to take effect.

SEC. 190. Laws repealed.—Of the laws enumerated in the schedule hereto annexed, that portion specified in the third column thereof is repealed.

SEC. 191. When to take effect.—This chapter shall take effect the first day of June, eighteen hundred and ninety-seven.

SCHEDULE OF LAWS REPEALED.

<i>Laws of—</i>	<i>Sections.</i>	<i>Subject of act.</i>
1870, ch. 385	All, except § 4	Hours of labor regulated.
1871, ch. 934	3	Duties of factory inspectors as to apprentices.
1881, ch. 298	All, except § 2	Seats for female employees.
1883, ch. 356	All, except § 3	Bureau of labor statistics.
1885, ch. 314	All	Scaffolding for use of employees on buildings.
1885, ch. 376	All	Payment of wages by receiver of corporations.
1886, ch. 151	All	Hours of labor on street, surface and elevated railroads in cities of over 500,000.
1886, ch. 409	All, except first § 21	Factory inspector; employment of children and women in factories, tenements, etc.
1886, ch. 410	All	State board of arbitration and mediation. Superseded by L. 1887, ch. 63.
1887, ch. 63	All	State board of mediation and arbitration.
1887, ch. 462	All	Amends L. 1886, ch. 409.
1887, ch. 529	All, except § 2	Hours of labor of employees of street, surface and elevated railroads in cities of over 100,000.
1888, ch. 437	All	Amends L. 1871, ch. 934, § 3.
1889, ch. 380	All	Preference to citizens of State as laborers on public works.
1889, ch. 381	All	Cash payment of wages by corporations.
1889, ch. 385	All	Registration of labels, etc., by trade unions.
1889, ch. 560	All	Amends L. 1886, ch. 409.
1890, ch. 388	All, except § 2	Weekly payment of wages by corporations.
1890, ch. 394	All, except §§ 8, 13, 20	Inspection of mines.
1890, ch. 398	All	Amends L. 1886, ch. 409.
1891, ch. 214	All	Amends L. 1885, ch. 314.
1892, ch. 517	All, except § 5	Examination of scaffolding.
1892, ch. 667	All, except § 2	Safety of workmen in mines.
1892, ch. 673	All	Amends L. 1886, ch. 409.
1892, ch. 711	All, except § 4	Hours of service on railroads.
1893, ch. 173	All, except § 6	Amends L. 1886, ch. 409.
1893, ch. 219	All	Labels, etc., of trade unions.
1893, ch. 339	All	Amends L. 1892, ch. 667.
1893, ch. 691	All, except § 3	Hours of labor in brickyards.
1893, ch. 715	All	Amends L. 1892, ch. 517.
1893, ch. 717	All	Amends L. 1890, ch. 388.
1894, ch. 277	All	Stone used in State or municipal works to be dressed within the State.
1894, ch. 373	All	Badges of factory inspectors.
1894, ch. 622	All	Amends L. 1870, ch. 385, § 2.
1894, ch. 669	All, except § 8	Sale of convict-made goods.
1895, ch. 324	All	Abolishes office of mining inspector.
1895, ch. 413	All	Amends L. 1894, ch. 277.
1895, ch. 518	All, except § 7	Manufacture of flour and meal products.
1895, ch. 670	All	Deputy mine inspector.
1895, ch. 765	All	Amends L. 1892, ch. 667, § 1.
1895, ch. 809	All	Payment of wages of employees of co-partnerships by receiver.
1896, ch. 271	All, except § 6	Examination and registration of horse-shoers.
1896, ch. 384	All, except § 11	Employment of women and children in mercantile establishments.

SCHEDULE OF LAWS REPEALED—concluded.

<i>Laws of—</i>	<i>Sections.</i>	<i>Subject of act.</i>
1896, ch. 672	All	Amends L. 1896, ch. 518.
1896, ch. 789	All	Amends L. 1893, ch. 691, § 2.
1896, ch. 931	All, except §§ 5, 6	Labeling and marking convict-made goods.
1896, ch. 936	All, except § 5	Protection of persons employed on buildings in course of construction.
1896, ch. 982	All, except § 6	Free employment bureaus.
1896, ch. 991	All	Amends L. 1886, ch. 409.
1897, ch. 148	All	Amends L. 1896, ch. 271, §§ 3, 4, 6.

Became a law May 13, 1897, with the approval of the governor. Passed, a majority being present.

CHAPTER 416.—*In relation to labor.*

An act to amend the Penal Code, relative to violations of provisions of the labor law.

SECTION 1. Sections 384-b and 447-a of the Penal Code are hereby amended to read as follows:

§ 384-b. Unlawful dealing in convict-made goods.—A person who

1. Sells or exposes for sale convict-made goods, wares or merchandise, without a license therefor, or having such license does not transmit to the secretary of state the statement required by article four of the labor law; or

2. Sells, offers for sale, or has in his possession for sale any such convict-made goods, wares or merchandise without the brand, mark or label required by article four of the labor law; or

3. Removes or defaces or in any way alters such brand, mark or label, is guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine of not more than one thousand nor less than one hundred dollars, or by imprisonment for not less than ten days or by both such fine and imprisonment.

§ 447-a. Negligently furnishing insecure scaffolding.—A person or corporation employing or directing another to do or perform any labor in the erection, repairing, altering or painting, any house, building or structure within this State, who knowingly or negligently furnishes or erects or causes to be furnished or erected for the performance of such labor, unsafe, unsuitable or improper scaffolding, holsts, stays, ladders or other mechanical contrivances; or who hinders or obstructs any officer detailed to inspect the same, destroys or defaces any notice posted thereon, or permits the use thereof after the same has been declared unsafe by such officer contrary to the provisions of article one of the labor law, is guilty of a misdemeanor.

SEC. 2. The Penal Code is hereby amended by inserting at the end of title twelve the following new section:

§ 447-c. Neglect to complete or plank floors of buildings constructed in cities.—A person, constructing a building in a city, as owner or contractor, who violates the provisions of article one of the labor law, relating to the completing or laying of floors, or the planking of such floors or tiers of beams as the work of construction progresses, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine for each offense of not less than twenty-five nor more than two hundred dollars.

SEC. 3. The Penal Code is hereby amended by inserting at the end of title eleven the following new sections:

§ 384-f. Failure to furnish statistics to commissioner of labor statistics.—Any person who refuses, when requested by the commissioner of labor statistics,

1. To admit him or a person authorized by him to a mine, factory, workshop, warehouse, elevator, foundry, machine shop or other manufacturing establishment; or,

2. To furnish him with information relative to his duties which may be in such person's possession or under his control; or,

3. To answer questions put by such commissioner in a circular or otherwise, or shall knowingly answer such questions untruthfully, is guilty of a misdemeanor, and on conviction therefor shall be punished by a fine of not less than fifty nor more than two hundred dollars.

§ 384-g. Refusal to admit inspectors to mines and quarries; failure to comply with requirements of inspector.—A person,

1. Refusing to admit the factory inspector, or any person authorized by him, to a mine or quarry, for the purpose of examination and inspection [; or]

2. Neglecting or refusing to comply with the provisions of article nine of the labor law upon written notice of the factory inspector, is guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine of not less than fifty dollars, or by imprisonment for not less than thirty days.

§ 384-h. Hours of labor to be required.—Any person or corporation,

1. Who, contracting with the State or a municipal corporation, shall require more than eight hours' work for a day's labor; or,

2. Who shall require more than ten hours' labor, including one-half hour for dinner, to be performed within twelve consecutive hours, by the employees of a street surface and elevated railway owned or operated by corporations whose main line of travel or routes lie principally within the corporate limits of cities of more than one hundred thousand inhabitants; or,

3. Who shall require the employees of a corporation owning or operating a brick-yard to work more than ten hours in any one day or to commence work before seven o'clock in the morning, unless by agreement between employer and employee; or,

4. Who shall require the employees of a corporation operating a line of railroad of thirty miles in length or over, in whole or in part within this State to work contrary to the requirements of article one of the labor law, is guilty of a misdemeanor, and on conviction therefor shall be punished by a fine of not less than five hundred nor more than one thousand dollars for each offense. If any contractor with the State or a municipal corporation shall require more than eight hours for a day's labor, upon conviction therefor in addition to such fine, the contract shall be forfeited at the option of the municipal corporation.

§ 384-i. Payment of wages.—A corporation or joint stock association or a person carrying on the business thereof, by lease or otherwise, who does not pay the wages of its employees in cash, weekly or monthly as provided in article one of the labor law, is guilty of a misdemeanor, and upon conviction therefor, shall be fined not less than twenty-five nor more than fifty dollars for each offense.

§ 384-j. Failure to furnish seats for female employees.—Any person employing females in a factory or mercantile establishment who does not provide and maintain suitable seats for the use of such employees and permit the use thereof by such employees to such an extent as may be reasonable for the preservation of their health, is guilty of a misdemeanor.

§ 384-k. No fees to be charged for services rendered by free public employment bureaus.—A person connected with or employed in a free public employment bureau, who shall charge or receive directly or indirectly, any fee or compensation from any person applying to such bureau for help or employment, is guilty of a misdemeanor.

§ 384-l. Violations of provisions of labor law.—Any person who violates or does not comply with

1. The provisions of article six of the labor law, relating to factories and the employment of children therein;

2. The provisions of article seven of the labor law, relating to the manufacture of articles in tenements;

3. The provisions of article eight of the labor law, relating to bakeries and confectionery establishments, the employment of labor and the manufacture of flour or meal food products therein;

4. The provisions of article eleven of the labor law, relating to mercantile establishments, and the employment of women and children therein, is guilty of a misdemeanor, and upon conviction shall be punished for a first offense by a fine of not less than twenty nor more than one hundred dollars; for a second offense by a fine of not less than fifty nor more than two hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment; for a third offense by a fine of not less than two hundred and fifty dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment.

§ 384-m. Illegal practice of horseshoeing.—A person who presents to a county clerk, for the purpose of registration, a certificate purporting to qualify him to practice horseshoeing in a city of the first or second class, which has been fraudulently obtained, or practices as a horseshoer in any such city without complying with the provisions of article twelve of the labor law, or violates or neglects to comply with any of such provisions, is guilty of a misdemeanor.

SEC. 4. The following parts of acts are hereby repealed:

Laws of—	Chapter.	Section.	Laws of—	Chapter.	Section.
1870.....	385.....	4	1892.....	667.....	2
1871.....	298.....	2	1893.....	691.....	3
1883.....	356.....	3	1894.....	699.....	8
1886.....	409.....	21, first appearing.	1895.....	518.....	7
1887.....	529.....	2	1896.....	271.....	6
1889.....	381.....	2	1896.....	384.....	11
1890.....	388.....	2	1896.....	936.....	5
1890.....	394.....	8, 20	1896.....	982.....	6
1892.....	517.....	5			

Became a law May 13, 1897, with the approval of the governor. Passed, three-fifths being present.

PENNSYLVANIA.

ACTS OF 1897.

ACT NO. 26.—*Employment of men, women and children in manufacturing establishments, etc.*

SECTION 1. No minor, male or female, or adult woman shall be employed at labor or detained in any manufacturing establishment, mercantile industry, laundry, workshop, renovating works or printing office for a longer period than twelve hours in any day, nor for a longer period than sixty hours in any week.

SEC. 2 (as amended by act No. 123, acts of 1897). No child under thirteen years of age shall be employed in any factory, manufacturing or mercantile industry, laundry, workshop, renovating works or printing office within this State. It shall be the duty of every person so employing children to keep a register in which shall be recorded the name, birthplace, age and place of residence, name of parent or guardian, and date when employment ceases, of every person so employed by him under the age of sixteen years. And it shall be unlawful for any factory, manufacturing or mercantile industry, laundry, workshop, renovating works or printing office, to hire or employ any child under the age of sixteen years, without there is first provided and placed on file an affidavit made by the parent or guardian, stating the age, date and place of birth of said child. If said child have no parent or guardian, then such affidavit shall be made by the child, which affidavit shall be kept on file by the employer and shall be returned to the child when employment ceases, and in no case shall there be a charge to exceed twenty-five cents for administering the oath for the issuing of the above certificate. And after the first day of January, one thousand eight hundred and ninety-eight, it shall be unlawful for any manufacturing establishment, mercantile industry, laundry, renovating works, printing office, mechanical or other industrial establishment to employ any minor under the age of sixteen years who can not read and write in the English language, unless he presents a certificate of having attended during the preceding year, an evening or day school for a period of sixteen weeks. Said certificate shall be signed by the teacher or teachers of the school or schools which said minor attended, and said register, affidavit and certificates shall be produced for inspection on demand by the inspector or any of the deputies appointed under this act.

SEC. 3. Every person, firm or corporation employing men, women or children, or either, in any factory, manufacturing or mercantile industry, laundry, workshop, renovating works or printing office shall post and keep posted in a conspicuous place in every room where such help is employed, a printed notice, stating the number of hours per day for each day of the week required of such persons; and in every room where children under sixteen years of age are employed a list of their names with their age.

SEC. 4. Every person, firm, association, individual, partnership or corporation employing girls or adult women in any manufacturing, mechanical or mercantile industry, laundry, workshop, renovating works or printing office in this State, shall provide suitable seats for the use of the girls and women so employed, and shall permit the use of such by them when they are not necessarily engaged in the active duties for which they are employed.

SEC. 5. It shall be the duty of the owner, agent or lessee on [of] any such factory, manufacturing or mercantile industry, laundry, workshop, renovating works or printing office where hoisting shafts or well holes are used, to cause the same to be properly and substantially inclosed or secured, if in the opinion of the inspector it is necessary to protect the life or limbs of those employed in such establishments. It shall be the duty of the owner, agent, or lessee to provide, or cause to be provided, such proper trap or automatic doors, so fastened in or at all elevator ways, as to form a substantial surface when closed, and so constructed as to open and close by action of the elevator in its passage, either ascending or descending.

SEC. 6. It shall also be the duty of the owner of such factory, manufacturing or mercantile industry, laundry, workshop, renovating works or printing office, or his agent, superintendent or other person in charge of the same, to furnish and supply, or cause to be furnished or supplied, in the discretion of the inspector where dangerous machinery is in use, automatic shifters or other mechanical contrivances for the purpose of throwing on or off belts or pulleys. And no minor under sixteen years of age shall be allowed to clean machinery while in motion. All gearing and belting shall be provided with proper safeguards.

SEC. 7. It shall be the duty of the owner or superintendent to report in writing to the factory inspector, all accidents or serious injury done to any person employed in such factory, within twenty-four hours after the accident occurs, stating as fully as possible the cause of such injury.

SEC. 8. A suitable and proper wash and dressing room and water-closets shall be provided for males and females where employed, and the water-closets, wash and dressing rooms used by females shall not adjoin those used by males, but shall be built entirely away from them, and shall be properly screened and ventilated, and at all times kept in a clean condition.

SEC. 9. Not less than forty-five minutes shall be allowed for the noonday meal in any manufacturing establishment in this State. The factory inspector, his assistant or any of his deputies, shall have power to issue permits in special cases, allowing a shorter meal time at noon, and such permit must be conspicuously posted in the main entrance of the establishment, and such permit may be revoked at any time the inspector deems necessary, and shall only be given where good cause can be shown.

SEC. 10. If the factory inspector, or any of his deputies, finds that the heating, lighting, ventilation or sanitary arrangement of any factory, manufacturing or mercantile industry, laundry, workshop, renovating works or printing office is such as to be injurious to the health of persons employed therein, or that the means of egress, in case of fire or other disaster, is not sufficient, or in accordance with all the requirements of law, or that the belting, shafting, gearing, elevators, drums and machinery in any factory, manufacturing or mercantile industry, laundry, workshop, renovating works or printing office are located so as to be dangerous to employees and not sufficiently guarded, or that the vats, pans or structures filled with molten metal or hot liquid are not surrounded with proper safeguards for preventing accident or injury to those employed at or near them, he shall notify the proprietor of such factory, manufacturing or mercantile industry, laundry, workshop, renovating works or printing office, to make the alterations or additions necessary within sixty days, and any factory, manufacturing or mercantile industry, laundry, workshop, renovating works or printing office requiring exits or other safeguards provided for in fire-escape law, the same shall be erected and located by order of [the] factory inspector regardless [of] the exemption granted by any board of county commissioners, fire marshal or other authorities, and if such alterations and additions are not made within sixty days from the date of such notice, or within such time as said alterations can be made with proper diligence upon the part of such proprietors, said proprietors or agents shall be deemed guilty of violating the provisions of this act.

SEC. 11. It shall be the duty of the owner or owners of boilers used for the generating of steam to be applied to machinery in all industrial institutions subject to factory inspection, to furnish from time to time, as required by the factory department, reports or other evidence from competent authority as to the condition of the boilers used for the generating of steam, to the State factory inspector. He or his deputies or other agents shall have the right, from time to time, to enter upon the premises where such boiler or boilers are kept for the purpose of inspecting the same and determining their safety, and [if] any such boiler or boilers shall be found to be in a dangerous condition and liable to explode, it shall be the duty of the factory inspector, or one of his deputies, to notify the owner or owners thereof, his or their agent or engineer in charge, of such dangerous condition, and when so notified by the State factory inspector, his deputy or other agent, it shall be the duty of the owner or owners thereof to immediately cease the use of said boiler or boilers until placed in safe condition.

SEC. 12. The factory inspector, in order to more effectually carry out the provisions of this law, is hereby authorized to appoint a chief clerk for the department at a salary of fourteen hundred dollars per year, an assistant clerk at one thousand dollars per year, and a messenger at six hundred dollars per year.

SEC. 13. A printed copy of this act shall be furnished by the inspector for each workroom of every factory, manufacturing or mercantile industry where persons are employed who are affected by the provisions of this act, and it shall be the duty of the employer of the people therein to post and keep posted said printed copy of the law in each room.

SEC. 14. Any person who violates any of the provisions of this act or who suffers or permits any child or female to be employed in violation of its provisions, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not more than five hundred dollars.

SEC. 15. All the acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved the 29th day of April, A. D. 1897.

ACT NO. 37.—*Factories and workshops—Sweatshops.*

SECTION 1. No room or apartment in any tenement or dwelling house shall be used for the manufacture of coats, vests, trousers, knee pants, overalls, skirts, dresses, cloaks, hats, caps, suspenders, jerseys, blouses, waists, waistbands, underwear, neckwear, furs, fur trimmings, fur garments, shirts, hosiery, purses, feathers, artificial flowers, cigarettes or cigars; and no person, firm or corporation shall hire or employ any person to work in any room, apartment, or in any building or parts of building, at making in whole or in part any of the articles mentioned in this section, without first obtaining a written permit from the factory inspector, or one of his deputies, stating the maximum number of persons allowed to be employed therein, and that the building or part of building intended to be used for such work or business is thoroughly clean, sanitary and fit for occupancy for such work or business. Such permit shall not be granted until an inspection of such premises is made by the factory inspector or one of his deputies. Said permit may be revoked by the factory inspector at any time the health of the community or of those so employed may require it. It shall be framed and posted in a conspicuous place in the room, or in one of the rooms to which it relates. Every person, firm, company or corporation contracting for the manufacture of any of the articles mentioned in this section, or giving out the incomplete material from which they or any of them are to be made, or to be wholly or partially finished shall, before contracting for the manufacture of any of said articles, or giving out said material from which they or any of them are to be made, require the production by such contractor, person or persons of said permit from the factory inspector as required in this section, and shall keep a written register of the names and addresses of all persons to whom such work is given to be made, or with whom they may have contracted to do the same. Such register shall be produced for inspection and a copy thereof shall be furnished on demand made by the factory inspector or one of his deputies: *Providing*, That nothing in this section shall be so construed as to prevent the employment of a seamstress by any family for manufacturing articles for such family use.

SEC. 2. Not less than two hundred and fifty cubic feet of air space shall be allowed for each and every person in any workroom where persons are employed at such labor as is hereinbefore described. There shall be sufficient means of ventilation provided in each workroom of every such establishment, and said workroom or rooms in said establishment shall be kept thoroughly clean, sanitary and fit for occupancy for such work or business. The factory inspector and deputy factory inspector, under the direction of the factory inspector, shall notify the owner, agent or lessee in writing to provide, or cause to be provided, ample and proper means for ventilating such workroom or rooms, and to put said workroom or rooms in a thoroughly clean, sanitary and fit condition for occupancy for such work or business, and shall prosecute such owner, agent or lessee if such notification be not complied with within ten days of the service of such notice; and any factory or shop under this act requiring exits or other safeguards provided for in the fire-escape law, the same shall be erected and located by order of the factory inspector regardless of the exemption granted by any board or [of] county commissioners, fire marshals or other authorities, and if such alterations and additions are not made within sixty days from the date of such notice, or within such time as said alterations can be made with proper diligence upon the part of such proprietors, said proprietors or agents shall be deemed guilty of violating the provisions of this act.

SEC. 3. A printed copy of this act shall be furnished by the inspector for each workroom of every factory, manufacturing or mercantile house where persons are employed who are affected by the provisions of this act, and it shall be the duty of the employer of the person employed therein to post and keep posted said printed copy of the law in each room.

SEC. 4. Any person who violates any of the provisions of this act, or refuses to comply with any requirements of the factory inspector or a deputy factory inspector as provided herein, shall be guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than twenty dollars nor more than fifty dollars for a first offense, and not less than fifty dollars nor more than one hundred dollars for a second offense, or imprisonment for not more than ten days; and for a third offense by a fine of not less than two hundred and fifty dollars and not more than thirty days' imprisonment.

SEC. 5. All the acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved the 5th day of May, A. D. 1897.

ACT No. 95.—*Regulations of bakeries.*

SECTION 1. No employee shall be required, permitted or suffered to work in a biscuit, bread or cake bakery, [or] confectionery establishment more than six (6) days in any one week, said week to commence on Sunday not before six o'clock post meridian, and to terminate at the corresponding time on Saturday of the same week. No person under the age of eighteen (18) years shall be employed in any bakehouse between the hours of nine (9) o'clock at night and five (5) o'clock in the morning. Excepted from this rule shall be the time on Sunday for setting the sponges for the night's work following.

SEC. 2. All buildings or rooms occupied as a biscuit, bread, pretzel, pie or cake bakery, or macaroni establishment, shall be drained and plumbed in the manner directed by the rules and regulations governing the house drainage and plumbing as prescribed by law, and all rooms used for the purpose aforesaid shall be ventilated by means of air shafts, windows or ventilating pipes, so as to insure a free circulation of fresh air. No cellar or basement, not now used for a bakery, shall hereafter be occupied and used as a bakery, unless the proprietor shall have previously complied with the sanitary provisions of this act.

SEC. 3. Every room used for the manufacture of flour or meal food products shall have an impervious floor, constructed of cement or of tiles laid in cement, or of wood which all the crevices shall be filled in with putty, and the whole surface treated with oil varnish. The inside walls and ceiling shall be plastered, and either be painted with oil paint, three (3) coats, or be lime-washed, or the side walls plastered and wainscoted to the height of six (6) feet from the floor, and painted or oiled; when painted, shall be renewed at least once in every five (5) years, and shall be washed with hot water and soap at least once in every three (3) months; when lime-washed the lime-washing shall be renewed at least once in every three (3) months. The furniture and utensils in such rooms shall be so arranged that the furniture and floor may at all times be kept in a thoroughly sanitary and clean condition. No domestic or pet animal shall be allowed in a room used as a biscuit, bread, pie or cake bakery, or in any room in such bakery where flour or meal products are stored.

SEC. 4. The manufactured flour meal food products shall be kept in perfectly dry and airy rooms, so arranged that the floors, shelves and all other places for storing the same can be easily and perfectly cleaned.

SEC. 5. Every such bakery shall be provided with a proper wash room and water-closet or closets, apart from the bake room or rooms where the manufacture of such food products is conducted, and no water-closet, earth-closet, privy or ash pit shall be within or communicate directly with the bake room of any bakery, hotel or public restaurant.

SEC. 6. Every sleeping room for persons employed in every bakery shall be kept separate from the room or rooms where flour or meal food products are manufactured or stored, and shall be provided with one or more external glazed windows, each of which shall be at least nine (9) superficial feet in area, of which at least four and one-half (4½) superficial feet shall be made to open for ventilation; and such sleeping places, when they are on the same floor as the bakery, shall be inspected in order to maintain them in a condition of cleanliness.

SEC. 7. No employer shall knowingly require, permit or suffer any person to work in his bake shop who is affected with consumption of the lungs, or with scrofulous diseases, or with any venereal diseases, or with any communicable skin affection, and every employer is hereby required to maintain himself and his employees in a clean condition while engaged in the manufacture, handling or sale of such food products, and it is hereby made the duty of the board of health to enforce the provisions of this section.

SEC. 8. Any person who violates any of the provisions of this act, or refuses to comply with any requirements as provided herein of the factory inspector or his deputy, who are hereby charged with the enforcement of this act, excepting section seven, shall be guilty of a misdemeanor, and on conviction shall be punished by a fine not less than twenty nor more than fifty (50) dollars for a first offense, and not less than fifty (50) nor more than one hundred (100) dollars for a second offense, or imprisonment for not more than ten (10) days; and for a third offense, by a fine of not less than two hundred and fifty (250) dollars and [not?] more than thirty (30) days' imprisonment.

SEC. 9. The factory inspector is authorized to issue a certificate of satisfactory inspection to a person conducting a bakery where such bakery is conducted in compliance with all the provisions of this act.

SEC. 10. The owner, agent or lessee of any property affected by the provisions of sections two, three and five of this act, shall, within thirty (30) days after the service of a notice requiring any alterations to be made in or upon such premises, comply therewith, and such notices shall be in writing and may be served upon such

owner, agent or lessee, either personally or by mail, and notice to the last known address of such owner, agent or lessee shall be deemed sufficient for the purpose of this act.

SEC. 11. A copy of this act shall be conspicuously posted and kept posted in each workroom of every bread, cake or pie bakery, or confectionery establishment in this State.

SEC. 12. This act shall take effect thirty (30) days after the same shall have been approved and signed by the governor of this Commonwealth.

Approved the 27th day of May, A. D. 1897.

ACT No. 98.—Protection of employees as members of labor organizations.

SECTION 1. If any officer, agent or employee of any corporation chartered under the laws of this Commonwealth, or any foreign corporation doing business in this Commonwealth, shall coerce or attempt to coerce any employee of such corporation by discharging them or threatening to discharge them from employment of such corporation because of their connection with any lawful labor organization which such employee may have formed, joined or belonged to, or if any such officer, agent or employee shall exact from any applicant for employment in such corporation any promise or agreement not to form, join or belong to such lawful labor organization, or not to continue a member of such lawful labor organization, or if any such officer, agent or employee shall in any way prevent or endeavor to prevent any employee from forming, joining or belonging to such lawful labor organization, or shall interfere or attempt to interfere by any other means whatsoever, direct or indirect, with any employee's free and untrammelled connection with such lawful labor organization, he [he?] or they shall be guilty of a misdemeanor, and on conviction thereof shall be liable to a fine of not more than two thousand nor less than one thousand dollars (\$1,000), and imprisonment for a term not exceeding one year, or either, or both, in the discretion of the court.

SEC. 2. All acts or parts of acts inconsistent herewith are hereby repealed.

Approved the 4th day of June, A. D. 1897.

ACT No. 116.—Wearing of badges, etc., of labor organization.

SECTION 1. Any person who shall willfully wear the insignia, badge or button of any labor or fraternal organization, or use the same to obtain aid or assistance within this State, unless he or she shall be entitled to use or wear the same under the constitution and by-laws, rules and regulations of the above-named organization, shall be guilty of misdemeanor, and upon conviction shall be punished by a fine not to exceed one hundred dollars.

Approved the 10th day of June, A. D. 1897.

ACT No. 127.—Joint appeals in suits of labor claimants.

SECTION 1. Hereafter in all contests over labor claims in cases of distribution under the acts of Assembly of April twenty-two, one thousand eight hundred and fifty-four, P. L. 480 [Brightley's Purdon's Digest, twelfth edition, page 140, section 4], and May twelve, one thousand eight hundred and ninety-one, P. L. 54 [Brightley's Purdon's Digest, twelfth edition, page 2074, section 9], and their supplements, any two or more of such labor claimants may join in taking an appeal to the proper appellate court from any judgment or decree of the court below adverse to their said claims, and may file either joint or several assignments of error on such appeal as the nature of the case may require, and on the hearing of such appeal the appellate court shall determine the rights of the several parties, respectively, in the same manner as the said court might do if the court below had decided in favor of said claimants, and the execution creditor or other person claiming adversely to said labor claimants had taken the appeal.

Approved the 15th day of June, A. D. 1897.

ACT No. 130.—Mines—Receiving or soliciting money from employees unlawful.

SECTION 1. On and after the passage of this act any mine superintendent, mine foreman or assistant foreman, or any other person or persons, who shall receive or solicit any sum of money, or other valuable consideration, from any of his or their employees for the purpose of continuing in his or their employ, or for the purpose of procuring employment, shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine not less than fifty dollars, nor more than three hundred dollars, and undergo an imprisonment of not less than six months, or both, at the discretion of the court.

SECTION 2. All acts or parts of acts inconsistent herewith are hereby repealed.

Approved the 15th day of June, A. D. 1897.

ACT NO. 139.—*Regulating the employment of aliens.*

WHEREAS, It is the duty of the Government to enact such laws as shall protect the citizen laborers of America against the laborers of foreign nations who are brought in direct competition with our own workmen in nearly all the different branches of employment;

AND, WHEREAS, Thousands of foreign laborers come to this State for the purpose of obtaining employment, without any intentions of becoming citizens and who disclaim any allegiance to this State or nation, very few of whom ever pay any taxes for the maintenance of local, State or National Government, and are thus brought into unjust competition with the tax-paying American laborers, and greatly impair their welfare by depriving them of their employment, or preventing them from receiving fair compensation for their labor; therefore,

SECTION 1. *Be it enacted, etc.,* That all persons, firms, associations or corporations employing one or more foreign-born unnaturalized male persons over twenty-one years of age within this Commonwealth, shall be and are hereby taxed at the rate of three cents per day for each day each of such foreign-born unnaturalized male persons may be employed, which tax shall be paid into the respective county treasuries; one-half of which tax to be distributed among the respective school districts of each county, in proportion to the number of schools in said districts, the other half of said tax shall be used by the proper county authorities for defraying the general expenses of county government. The distribution of the school fund to be made on or before December first of each year.

SEC. 2. That it shall be the duty of all persons, firms, associations and corporations in this Commonwealth to ascertain whether any of their employees are foreign-born unnaturalized male persons over twenty-one years of age, and if there be any such, to keep a true and correct record of the number of such persons employed, their names, place of birth, together with the exact number of days such persons are employed during each month, which record shall be kept and be subject to examination by the county commissioners, or any one designated by them for that purpose.

SEC. 3. That it shall be the further duty of such persons, firms, associations and corporations who may give employment to such foreign-born unnaturalized male persons to make a quarterly report, under oath, on the first day of January, April, July and October, in each year, to the county commissioners of the county in which employment is given, which report shall contain a detailed statement of the number of such persons employed during the quarter immediately preceding the day on which the report herein provided for is to be made, together with the names, birthplace, and the exact number of days each of such persons shall have been so employed during such preceding quarter, which report shall be accompanied with the amount of the tax money due the proper county as provided by the first section of this act: *Provided*, That in case of associations or corporations the duty of keeping the records, making the reports and paying the tax as provided in this act shall devolve upon the president and vice president, secretary, treasurer, managers, members of the board of directors or other persons connected with the management thereof.

SEC. 4. Any person whose duty it is to keep the record of employment of such foreign-born unnaturalized male persons, or to make the reports and pay the tax as provided in this act, who shall fail to comply strictly with its provisions, shall be guilty of a misdemeanor, and on conviction thereof shall be fined for each offense not less than two hundred dollars, nor more than one thousand dollars, at the discretion of the court before which conviction shall be had, which fine is hereby made payable to the respective county treasurers. It shall be the duty of the district attorney of the respective counties to proceed against any person violating any provisions of this act, and to collect any fines which may be imposed, in the same manner as other debts are now collectible by law.

SEC. 5. It shall be the duty of the county commissioners to furnish blanks to all persons, firms, associations or corporations employing two or more foreign-born unnaturalized male persons over twenty-one years of age, free of cost, to make out quarterly returns, and the said persons, firms, associations or corporations, [shall be allowed] a reasonable compensation for rendering such reports. This act to take effect on the first day of July, one thousand eight hundred and ninety-seven: *Provided*, That all persons, firms, associations and corporations shall have the right to deduct the amount of the tax provided for in this act from the wages of any and all employees, for the use of the proper county and school district as aforesaid.

SEC. 6. All acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Approved the 15th day of June, A. D. 1897.

[For decision of the United States circuit court on the constitutionality of the above law, see page 233, *ante*.]

ACT NO. 141.—*Convict labor.*

SECTION 1. From and after the passage of this act no warden, superintendent or other officer of any State prison, penitentiary or State reformatory, having control of the employment of the inmates of said institutions, shall employ more than five per centum of the whole number of inmates of said institutions in the manufacture of brooms and brushes and hollow-ware, or ten per centum in the manufacture of any other kind of goods, wares, articles or things that are manufactured elsewhere in the State except mats and matting, in the manufacture of which twenty per centum of the whole number of inmates may be employed.

SEC. 2. The officers of the various county prisons, workhouses and reformatory institutions within the Commonwealth of Pennsylvania shall not employ more than five per centum of the whole number of inmates in said institutions in the manufacture of brooms and brushes and hollow-ware, or ten per centum in the manufacture of any other kind of goods, wares, articles or other things that are manufactured elsewhere in the State, except mats and matting, in the manufacture of which twenty per centum of the whole number of inmates may be employed: *Provided*, That this act shall not apply to goods manufactured for use of the inmates of such institutions.

SEC. 3. No machine operated by steam, electricity, hydraulic force, compressed air or other power, except machines operated by hand or foot power, shall be used in any of the said institutions in the manufacture of any goods, wares, articles or things that are manufactured elsewhere in the State.

SEC. 4. Any warden, superintendent, or other officer or person having control of the employment of inmates of any of the within mentioned State or county institutions or other penal institution or institutions wherein convict labor is employed within the State of Pennsylvania, violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars, or undergo an imprisonment not exceeding one year, or both, at the discretion of the court.

SEC. 5. This act shall take effect on the first day of January, one thousand eight hundred and ninety-eight.

Approved the 18th day of June, A. D. 1897.

ACT NO. 221.—*Bureau of mines.*

SECTION 1. There is hereby established in the department of internal affairs of Pennsylvania a bureau to be known as the bureau of mines, which shall be charged with a supervision of the execution of the mining laws of this Commonwealth, and the care and publication of the annual reports of the inspectors of coal mines.

SEC. 2. The chief officer of said bureau shall be denominated chief of the bureau of mines, and shall be appointed by the governor, by and with the advice and consent of the senate, within thirty days after the final passage of this act, and every four years thereafter, who shall be commissioned by the governor to serve a term of four years from the date of his appointment, and until his successor is duly qualified, and shall receive an annual salary of three thousand dollars and traveling expenses; and in case of a vacancy in the office of chief of said bureau, by reason of death, resignation or otherwise, the governor shall appoint a qualified person to fill such vacancy for the unexpired balance of the term.

SEC. 3. The chief of the bureau of mines shall be a competent person having had at least ten years' practical experience in the working and ventilation of coal mines of this State, and a practical and scientific knowledge of all noxious and dangerous gases found in such mines. The said chief of the bureau of mines so appointed shall, before entering upon the duties of his office, take and subscribe to the oath of office prescribed by the constitution, the same to be filed in the office of the secretary of the commonwealth, and give to the Commonwealth a bond in the penal sum of ten thousand dollars, with surety to be approved by the governor and secretary of internal affairs, conditioned for the faithful discharge of the duties of his office.

SEC. 4. It shall be the duty of the chief of the bureau to devote the whole of his time to the duties of his office, and to see that the mining laws of this State are faithfully executed; and for this purpose he is hereby invested with the same power and authority as the mine inspectors to enter, inspect and examine any mine or colliery within the State, and the works and machinery connected therewith, and to give such aid and instruction to the mine inspectors from time to time as he may deem best calculated to protect the health and promote the safety of all persons employed in and about the mines; and the said chief of the bureau of mines shall have the power to suspend any mine inspector for any neglect of duty, but such suspended mine inspector shall have the right to appeal to the secretary of internal affairs, who shall be empowered to approve of such suspension or restore such suspended mine inspector to duty, after investigating the causes which led to such suspension. Should the chief of the bureau of mines receive information by petition, signed by ten or more miners,

or one or more operators, setting forth that any of the mine inspectors are neglectful of their duty, or are incompetent to perform the duties of their office, or are guilty of malfeasance in office, he shall at once investigate the matter, and if he shall be satisfied that the charge or charges are well founded, he shall then petition the court of common pleas, or the judge in chambers, in any county within or partly within the inspection district of the said mine inspector; which court, upon receipt of said petition and a report of the character of the charges and testimony produced, shall at once issue a citation in the name of the Commonwealth to the said inspector, to appear on not less than fifteen days' notice, on a fixed day before said court, at which time the court shall proceed to inquire into the allegations of the petitioners, and may require the attendance of such witnesses on subpoena issued and served by the proper officer or officers, as the judge of the court and the chief of said bureau may deem necessary in the case; the inspector under investigation shall also have similar power and authority to compel the attendance of witnesses in his behalf. If the court shall find by said investigation that the said mine inspector is guilty of neglecting his official duties, or is incompetent to perform the duties of his office, or is guilty of malfeasance in office, the said court shall certify the same to the governor, who shall declare the office vacant, and shall proceed to supply the vacancy as provide [provided] for [in] the mining laws of the State. The cost of said investigation shall, if the charges are sustained, be imposed upon the mine inspector; but if the charges are not sustained the cost shall be paid out of the State treasury, upon voucher or vouchers duly certified as to correctness by the judge or proper officer of the court where such proceedings are held. To enable the said chief of the bureau of mines to conduct more effectually his examinations and investigations of the charges and complaints which may be made by petitioners against any of the mine inspectors as herein provided, he shall have power to administer oaths and take affidavits and depositions in form and manner provided by law: *Provided, however,* That nothing in this section shall be so construed as to repeal section thirteen of article two of the act of assembly approved the second day of June, Anno Domini one thousand eight hundred and ninety-one, entitled "An act to provide for the health and safety of persons employed in and about the anthracite coal mines of Pennsylvania, and for the protection and preservation of property connected therewith" [Brightly's Purdon's Digest, 1895, page 1314, sections 42 and 43], and also articles thirteen and fourteen of an act of assembly approved the fifteenth day of May, Anno Domini one thousand eight hundred and ninety-three, entitled "An act relating to bituminous coal mines, and providing for the lives, health, safety and welfare of persons employed therein" [Brightly's Purdon's Digest, 1895, page 1370, sections 293 to 297, inclusive].

SEC. 5. It shall be the duty of the chief of the bureau of mines to take charge of and preserve in his office the annual reports of the mine inspectors, and transmit a copy of them, together with such other statistical data compiled therefrom and other matter relating to the work of the bureau as may be of public interest, properly addressed to the secretary of internal affairs for transmission to the governor and the general assembly of this Commonwealth, on or before the first day of March in each year. It shall also be the duty of the chief of the bureau of mines to see that said reports, or a copy of them, are placed in the hands of the public printer for publication at the same date; the same to be published under direction of the secretary of internal affairs as other reports of his department are now required by law to be published, and in order that the chief of said bureau may be able to prepare, compile and transmit his annual report to the secretary of internal affairs within the time herein specified, the mine inspectors are hereby required to deliver their annual reports to the secretary of internal affairs on or before the fifteenth day of February in each year. In addition to the annual reports herein required of the mine inspectors, the said mine inspectors shall furnish to the chief of the bureau of mines, monthly and also such special reports or information on any subject regarding mine accidents or other matters pertaining to mining interests, or the safety of persons employed in mines, as he at any time may require or may deem necessary in the proper and lawful discharge of his official duties. The chief of the bureau of mines shall also establish, as far as may be practicable, a uniform style and size of blanks for the annual, monthly and special reports of the mine inspectors, and prescribe the form and character of subject-matter to be embraced in the text and the tabulated statements of their reports. The chief of the bureau of mines is hereby authorized to make such examinations and investigations as may enable him to report upon the various systems of coal mining practiced in the State, method of mining, ventilation, machinery employed, structure and character of the several coal seams operated, and of the associated strata, the circumstances and responsibility of mine accidents, economy of coal production, coal waste, area and exhaustion of coal territory, and such other matters as may pertain to the general welfare of coal miners and others connected with coal mining, and the interests of coal mine owners and operators in this Commonwealth.

SEC. 6. The chief of the bureau of mines shall keep in his office a journal or record of all examinations made and work done under his administration, and copies of all official communications, and is hereby authorized to procure such books, instruments and chemical or other tests as may be found necessary to the proper discharge of his duties under this act, at the expense of the State. All instruments, plans, books and records pertaining to the office shall be the property of the State, and shall be delivered to his successor in office.

SEC. 7. The chief of the bureau of mines shall at all times be accountable to the secretary of internal affairs for the faithful discharge of the duties imposed upon him by law and the administration of his office, and the rules and regulations pertaining to said bureau shall be subject to the approval of the secretary of internal affairs, who is hereby empowered to appoint an assistant to the chief of the bureau, at a salary of fourteen hundred dollars per annum, and a messenger at a salary of three hundred dollars per annum: *And provided further*, That the salaries of the chief of the bureau of mines, his assistant and the messenger, shall be paid out of the State treasury in the manner as other employees of the department of internal affairs are now paid: *Provided*, That the chief of said bureau of mines may be removed or suspended at any time by the secretary of internal affairs, when in the opinion of said secretary there has been a neglect of duty or a failure to comply with the law, or the instructions of the secretary of internal affairs.

SEC. 8. No person who is acting as a land agent, or as manager, viewer or agent of any mine or colliery, or who is interested in operating any mine or colliery, shall at the same time serve as chief of the bureau of mines under the provisions of this act.

SEC. 9. The mine inspector of each district of this State shall, within six months after the final passage and approval of this act, deposit in the bureau of mines an accurate map or plan of such coal mine, which may be on tracing muslin or sun print, drawn to a prescribed scale; which map or plan shall show the actual location of all openings, excavations, shafts, tunnels, slopes, planes, main headings, cross headings, and rooms or working places in each strata operated, pumps, fans or other ventilating apparatus, the entire course and direction of air currents, the relation and proximity of the workings of such coal mines to all other adjoining mines or coal lands, and the relative elevation of all tunnels and headings, and of the face of working places near to or approaching boundary lines or adjacent mines; and on or before the close of each calendar year transmit to the chief of the bureau of mines a supplemental map or plan showing all excavations, changes and additions made in such mine during the year, drawn to the scale as the first mentioned map or plan. All such maps or plans to be and remain in the bureau of mines as a part of the records of that office.

SEC. 10. All acts or parts of acts inconsistent with this act are hereby repealed.

Approved the 15th day of July, A. D. 1897.

ACT No. 224.—*Weighing of coal at mines.*

SECTION 1. It shall be unlawful for any mine owner, lessee or operator of any bituminous coal mine in this Commonwealth, employing miners at bushel or ton rates, or other quantity, to pass the output of coal mined by said miners over any screen or other device which shall take any part from the weight, value or quantity thereof, before the same shall have been weighed and duly credited to the employee sending the same to the surface and accounted for at the legal rate of weight fixed by the laws of this Commonwealth.

SEC. 2. Any owner, lessee or operator of any bituminous coal mine, violating the provisions of this act, shall be deemed guilty of a misdemeanor, and shall, upon conviction, for each and every such offense be punished by a fine of not less than one hundred (\$100) dollars nor more than five hundred (\$500) dollars, or by imprisonment in the county jail for a period not to exceed ninety days, or by both such fine and imprisonment, at the discretion of the court; proceedings to be instituted in any court of competent jurisdiction.

SEC. 3. All acts or parts of acts inconsistent herewith are hereby repealed.

Approved the 15th day of July, A. D. 1897.

ACT No. 225.—*Examination, registration, etc., of anthracite coal miners.*

SECTION 1. Hereafter no person whomsoever shall be employed or engaged in the anthracite coal region of this Commonwealth as a miner in any anthracite coal mine, without having obtained a certificate of competency and qualification so to do from the "Miners' examining board" of the proper district, and having been duly registered as herein provided.

SEC. 2. There shall be established in each of the eight inspection districts in the anthracite coal region, a board to be styled the "Miners' examining board" of the _____ district, to consist of nine miners who shall be appointed, in the same manner as the boards to examine mine inspectors are now appointed, from among the most skillful miners actually engaged in said business in their respective districts, and who must have had five years' practical experience in the same. The said persons so appointed shall each serve for a term of two years from the date on which their appointment takes effect, and they shall be appointed upon or before the expiration of the term of the present members of the "Miners' examining board," and they shall be and constitute the "Miners' examining board" for their respective districts, and shall hold the office for the term for which they were appointed, or until their successors are duly appointed and qualified; and shall receive as compensation for their services three dollars per day for each day actually engaged in this service, and all legitimate and necessary expenses incurred in attending the meetings of said board under the provisions of this act, and no part of the salary of said board or expenses thereof shall be paid out of the State treasury.

Each of said boards shall organize by electing one of their members president, and one member as secretary, and by dividing themselves into three subcommittees for the more convenient discharge of their duties; each of said committees shall have all powers hereinafter conferred upon the board; and whenever in this act the words "Examining board" are used, they shall be taken to include any of the committees thereof.

Every member of said board shall, within ten days of their appointment or being apprised of the same, take and subscribe an oath or affirmation before a properly qualified officer of the county in which they reside, that they will faithfully and impartially discharge the duties of their office.

Any vacancies occurring in said board shall be filled in the manner hereinbefore provided from among such only as are eligible for original appointment.

SEC. 3. Each of said examining boards shall designate some convenient place within their districts for the meeting of the several committees thereof, of which due notice shall be given by advertisement in two or more newspapers of the proper county, and so divided as to reach as nearly as practicable all the mining districts therein; but in no case shall such meeting be held in a building where any intoxicating liquors are sold.

Each of said committees shall open at the designated place of meeting a book of registration, in which shall be registered the name and address of each and every person duly qualified under this act to be employed as a miner in an anthracite coal mine. And it shall be the duty of all persons employed as miners to be properly registered, and in case of a removal from the district in which a miner is registered, it shall be his duty to be registered in the district to which he removes.

Application for registration only may be sent by mail to the board, after being properly attested before any person authorized to administer an oath or affirmation in the county in which the applicant resides. The form of application shall be subject to such regulation as may be prescribed by the boards, but in no case shall any applicant be put to any unnecessary expense in order to secure registration.

SEC. 4. Each applicant for examination and registration and for the certificate hereinafter provided, shall pay a fee of one dollar to the said board, and a fee of twenty-five cents shall be charged for registering any person who shall have been examined and registered by any other said board, and the amount derived from this source shall be held by said boards and applied to the expenses and salaries herein provided and such as may arise under the provisions of this act; and the said boards shall report, annually, to the court of common pleas of their respective counties and the bureau of mines and mining all moneys received and disbursed under the provisions of this act, together with the number of miners examined and registered under this act, and the number who failed to pass the required examination.

SEC. 5. It shall be the duty of each of the said boards to meet once every month and not oftener, and said meeting shall be public, and if necessary, the meeting shall be continued to cover whatever portion may be required of a period of three days in succession, and examine under oath all persons who shall desire to be employed as miners in their respective districts; and said boards shall grant such persons as may be qualified, certificates of competency or qualification which shall entitle the holder thereof to be employed as and to do the work of miners as may be expressed in the said certificate, and such certificate shall be good and sufficient evidence of registration and competency under this act; and the holder thereof shall be entitled to be registered without an examination in any other of the anthracite districts upon the payment of the fee herein provided.

All persons applying for a certificate of competency, or to entitle them to be employed as miners, must produce satisfactory evidence of having had not less than two years' practical experience as a miner, or as a mine laborer in the mines of this Commonwealth, and in no case shall an applicant be deemed competent unless he

appear in person before the said board and answer intelligently and correctly at least twelve questions in the English language pertaining to the requirements of a practical miner, and be properly identified, under oath, as a mine laborer by at least one practical miner holding miners' certificates. The said board shall keep an accurate record of the proceedings of all its meetings, and in said record shall show a correct detailed account of the examination of each applicant, with the questions asked and their answers, and at each of its meetings the board shall keep said record open for public inspection. Any miners' certificate granted under the provisions of this act, and the hereinafter mentioned act approved the ninth day of May, Anno Domini one thousand eight hundred and eighty-nine, shall not be transferable to any person or persons whatsoever, and any transfer of the same shall be deemed a violation of this act. Certificates shall be issued only at meetings of said board, and said certificates shall not be legal unless then and there signed in person by at least three members of said board.

SEC. 6. No person shall hereafter engage as a miner in any anthracite coal mine without having obtained such certificate as aforesaid. And no person shall employ any person as a miner who does not hold such certificate as aforesaid, and no mine foreman or superintendent shall permit or suffer any person to be employed under him, or in the mines under his charge and supervision as a miner, who does not hold such certificates. Any person or persons who shall violate or fail to comply with the provisions of this act, shall be guilty of a misdemeanor, and on conviction thereof shall be sentenced to pay a fine not less than one hundred dollars and not to exceed five hundred dollars, or shall undergo imprisonment for a term not less than thirty days and not to exceed six months, or either, or both, at the discretion of the court.

SEC. 7. The persons who are now serving as members of the miners' examining board as created by the act approved the ninth day of May, Anno Domini one thousand eight hundred and eighty-nine, entitled "An act to provide for the examination of miners in the anthracite region of this Commonwealth, and to prevent the employment of incompetent persons as miners in anthracite coal mines" [Brightley's Purdon's Digest, twelfth edition, page 1340], shall continue under the provisions of this act to serve as members of the "Miners' examining board" until the terms for which they were appointed under the provisions of the said act approved the ninth day of May, Anno Domini one thousand eight hundred and eighty-nine, shall have expired, and in the performance of the duties of their office they shall be subject to the provisions and requirements of this act.

SEC. 8. Nothing in this act shall be construed to in any way, excepting as herein provided, affect miners' certificates which have been lawfully issued under the provisions of the herein mentioned act approved the ninth day of May, Anno Domini one thousand eight hundred and eighty-nine.

SEC. 9. It shall be the duty of the several miners' examining boards to investigate all complaints or charges of noncompliance [with] or violation of the provisions of this act, and prosecute all persons so offending; and upon their failure so to do, then it shall become the duty of the district attorney of the county wherein the complaints or charges are made to investigate the same and prosecute all persons so offending, and it shall at all times be the duty of the district attorney to prosecute such members of the miners' examining board as have failed to perform their duty under the provisions of this act; but nothing herein contained shall prevent any citizen, a resident of this Commonwealth, from prosecuting any person or persons violating this act, with power to employ private counsel to assist in the prosecution of the same; upon conviction of any member of the miners' examining board for any violation of this act, in addition to the penalties herein provided, his office shall be declared vacant, and he shall be deemed ineligible to act as a member of the said board.

SEC. 10. For the purpose of this act the members of the said "Miners' examining board" shall have power to administer oaths.

SEC. 11. All acts or parts of acts inconsistent herewith are hereby repealed.

Approved the 15th day of July, A. D. 1897.

ACT NO. 379.—*Hours of labor, etc., of employees of State and municipalities.*

SECTION 1. On and after the passage of this act eight hours out of the twenty-four of each day shall make and constitute a legal day's work for mechanics, workmen and laborers in the employ of the State, or any municipal corporation therein, or otherwise engaged on public works.

SEC. 2. This act shall apply to all mechanics, workingmen and laborers now or hereafter employed by the State, or any municipal corporation therein, through its agents or officers, or in the employ of persons contracting with the State or said corporation for the performance of public work, and in all such employment none but citizens of the United States, or aliens who shall have legally declared their intention to become ², who have been residents of the State in which such work is to be done for the

received as provided in section 1 of this act, and as admitted by such contractor or contractors, or as may be adjudged by any court of competent jurisdiction, shall be deemed guilty of a misdemeanor, and upon conviction, when the consideration for such work and material shall exceed the value of one hundred dollars, shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisonment not less than three months nor more than twelve months; and when such consideration shall not exceed the value of one hundred dollars, shall be fined not more than one hundred dollars or imprisoned not longer than thirty days: *Provided*, Said contractor or contractors or subcontractors may have the right of arbitration by agreement with said laborers, subcontractors and material men.

Approved the 2d day of March, A. D. 1897.

SOUTH DAKOTA.

ACTS OF 1897.

CHAPTER 57.—*Education.* CHAPTER VII.—*Compulsory education—Employment of children in factories, etc.*

SECTION 3. No child between eight and fourteen years of age shall be employed in any mine, factory or workshop or mercantile establishment, or, except by his parent or guardian, in any other manner during the hours when the public schools in the city, town, village or district, are in session, unless the person, firm or corporation employing him shall first procure a certificate from the superintendent of the schools of the city, town or village, if one be employed, otherwise from the clerk of the school board or board of education, stating that such child has attended school for the period of twelve weeks during the year, as required by law, or has been excused from attendance as provided in section one (1) of this article; and it shall be the duty of such superintendent or clerk to furnish such certificates upon application of the parent, guardian or other person having control of such child, entitled to the same. Every owner, superintendent or overseer of any mine, factory, workshop or mercantile establishment, and any other person who shall employ any child between eight and fourteen years of age contrary to the provisions of this article, shall be deemed guilty of a misdemeanor, and for every such offense shall upon conviction thereof be fined not less than ten dollars (\$10) nor more than twenty dollars (\$20) and costs.

Approved March 10, 1897.

CHAPTER 60.—*Protection of employees as voters.*

SECTION 40. Any person entitled to vote at any election held within this State, shall on the day of such election, be entitled to absent himself from any service or employment in which he is then engaged or employed, for a period of two (2) hours between the time of opening and the time of closing the polls, and such voter shall not because of so absenting himself, be liable to any penalty, no [nor] shall any deduction be made on account of such absence from his usual salary or wages. *Provided, however*, That application shall be made for such leave of absence prior to the day of election. The employer may specify the hours during which such employee may absent himself as aforesaid. Any person or corporation who shall refuse to an employee the privilege hereby conferred, or who shall subject an employee to a penalty or reduction of wages because of the exercise of such privilege or who shall directly or indirectly violate the provisions of this act, shall be guilty of a misdemeanor.

Approved March 5, 1897.

CHAPTER 92.—*Mine regulations—Safety apparatus.*

SECTION 1. It shall be unlawful for any person to sink or work through any vertical or inclined shaft, where mining cages are used, at a greater depth than two hundred (200) feet unless the said shaft is provided with an iron bonneted safety cage, to be used in lowering and hoisting employees, or any other persons, into or from such shaft. The safety apparatus, whether consisting of eccentrics, springs or other devices, must be securely fastened to the cage, and be of sufficient strength to hold the cage loaded at any depth to which the shaft may be sunk. The iron bonnet must be made of boiler sheet iron of good quality, at least three-sixteenths of an inch in thickness and must cover the top of the cage in such manner as to afford the greatest protection to life and limb from any debris, or anything falling down the shaft.

SEC. 2. Every person or corporation failing to comply with the provisions of this act, is punishable by a fine not exceeding one thousand (\$1,000) dollars.

SEC. 3. *Whereas*, an emergency exists, this act shall take effect from and after its passage and approval.

Approved March 2, 1897.

TENNESSEE.

ACTS OF 1897.

CHAPTER 14.—*Protection of employees as voters.*

SECTION 4. It shall be unlawful for any person, directly or indirectly, by himself or any other person in his behalf, to make use of any force, violence or restraint, or to inflict or threaten the infliction, by himself or through any other person, of any injury, damage, harm or loss, or in any manner to practice intimidation upon or against any person in order to induce or compel such person to vote or refrain from voting for any particular person or persons, measure or measures, at any election provided by law, or on account of such person having voted or refrained from voting at any such election. It shall be unlawful for any employer, either corporation, association, company, firm or person, in paying its, their or his employees the salary or wages due them, to enclose their pay in "pay envelopes" on which there is written or printed any political mottoes, devices or arguments, containing threats, express or implied, intended or calculated to influence the political opinion, views or actions of such employees. Nor shall it be lawful for any employer, either corporation, association, company, firm or person, within ninety days of any election provided by law, to put up or otherwise exhibit in its, their or his factory, workshop, mine, mill, boarding house, office or other establishment or place where its, their or his employees may be working or may be present in the course of such employment, any hand bill, notice or placard, containing any threat, notice or information, that in case any particular ticket or candidate shall, or shall not be elected, work in its, their or his establishment shall cease in whole or in part, or its, their or his workmen be reduced; or other threats, express or implied, intended or calculated to influence the political opinions or actions of its, their or his employees.

Any person or persons, or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor; and any person, whether acting in his individual capacity or as an officer or agent of any corporation, so guilty of such misdemeanor shall be punished as hereinafter prescribed.

SEC. 5. It shall be unlawful for any corporation or any officer or agent of any corporation to influence or attempt to influence, by force, violence or restraint, or by inflicting or threatening to inflict any injury, damage, harm or loss, or by discharging from employment or promoting in employment, or by intimidation or otherwise in any manner whatever, to induce or compel any employee to vote or refrain from voting at any election provided by law, or to vote or refrain from voting for any particular person or persons, measure or measures, at any such election. Any such corporation, or any officer or agent of such corporation, violating any of the provisions of this section, shall be deemed guilty of a misdemeanor and be subject to the penalty hereinafter provided, and in addition thereto, any corporation violating this section shall forfeit its charter and right to do business in this State.

SEC. 7. * * * any corporation or agent of a corporation, guilty of any offense herein made a misdemeanor, shall, upon conviction, be punished by a fine not exceeding one thousand dollars. * * *

Approved February 11, 1897.

CHAPTER 39.—*Convict labor.*

SECTION 1. The board of prison commissioners, be, and are hereby authorized and empowered to contract for the hire or labor of convicts now confined or that may hereafter be confined in the State penitentiary, not otherwise employed, to any person, persons, firms, companies or corporations desiring to carry on a manufacturing or other business within the walls of the State penitentiary.

Not more than 99 convicts shall be leased to any one firm or be employed in any one business within the walls of the penitentiary.

SEC. 2. It shall be the duty of said board of prison commissioners in making contracts for the labor of convicts under this act to let them to such person, persons, firms, companies or corporations, and in such numbers as will yield the greatest amount of revenue to the State of Tennessee.

SEC. 4. No contract for the labor of convicts, made under the provisions of this act, shall extend beyond the 1st day of March, 1903.

SEC. 8. It shall be the duty of the commissioners in making contracts to so make them that competition with free labor shall be the least possible and that the manufacturing industries established within the penitentiary shall be as diversified as practicable or possible for the best interest of the State—at the same time having due regard for the interests of free labor.

Approved February 3, 1897.

CHAPTER 98.—*Separate water-closets for female employees.*

SECTION 1. All persons hiring or employing female help in any manufacturing or mercantile business or establishment, shall provide separate privies or water-closets for such female help.

SEC. 2. No male person shall enter such separate privies or water-closets except for the purpose of repairing or cleaning the same.

SEC. 3. A violation of the foregoing sections shall be a misdemeanor punishable by a fine of not less than two or more than ten dollars.

Approved January 27, 1897.

CHAPTER 107.—*Trade-marks, etc., of trade unions.*

SECTION 1. Whenever any person, or any association, or union of workmen, has heretofore adopted or used, or shall hereafter adopt or use, any label, trade-mark, term, design, device, or form of advertisement for the purpose of designating, making known, or distinguishing any goods, wares, merchandise, or other product of labor, as having been made, manufactured, produced, prepared, packed, or put on sale by such person, or association, or union of workmen, or by a member or members of such association or union, it shall be unlawful to counterfeit or imitate such label, trade-mark, term, design, device, or form of advertisement, or to use, sell, offer for sale, or in any way utter or circulate any counterfeit or imitation of any such label, trade-mark, term, device, or form of advertisement.

SEC. 2. Whoever counterfeits or imitates any such label, trade-mark, term, design, device, or form of advertisement, or sells, offers for sale, or in any way utters or circulates any counterfeit or imitation of any such label, trade-mark, term, design, device, or form of advertisement, or knowingly keeps, or has in his possession with intent, that the same shall be sold or disposed of, any goods, wares, merchandise or other product of labor to which or on which any such counterfeit or imitation is printed, painted, stamped, or impressed; or knowingly sells or disposes of any goods, wares, merchandise or other product of labor contained in any box, case, can, or package, to which or on which any such counterfeit or imitation is attached, affixed, printed, painted, stamped or impressed; or has in his possession, with intent that the same shall be sold or disposed of, any goods, wares, merchandise, or other product of labor in any box, case, can, or package, to which or on which any such counterfeit or imitation is attached, affixed, printed, painted, stamped, or impressed, shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than three months.

SEC. 3. Every person, association, or union that has heretofore adopted, or used, or shall hereafter adopt or use, a label, trade-mark, term, design, device, or form of advertisement as provided in section 1 of this act, may file the same for record in the office of the secretary of state by leaving two copies, counterparts or facsimiles thereof, with said secretary, and by filing therewith a sworn application specifying the name or names of the person, association, or union, on whose behalf such label, trade-mark, term, design, device, or form of advertisement shall be filed, the class of merchandise, and a description of the goods to which it has been, or is intended to be, appropriated, stating that the party so filing, or on whose behalf such label, trade-mark, term, design, device, or form of advertisement shall be filed, has the right to the use of the same; that no other person, firm, association, union, or corporation has the right to such use, either in the identical form or in any such near resemblance thereto as may be calculated to deceive, and that the facsimile or counterparts filed therewith are true and correct. There shall be paid for such filing and recording a fee of one dollar. Said secretary shall deliver to such person, association, or union so filing, or causing to be filed, any such label, trade-mark, term, design, device, or form of advertisement so many duly attested certificates of the recording of the same as such person, association, or union may apply for, for each of which certificates said secretary shall receive a fee of one dollar. Any such certificates of record shall in all suits and prosecutions under this act be sufficient proof of the adoption of such label, trade-mark, term, design, device, or form of advertisement. Said secretary of state shall not record for any person, union, or association any label, trade-mark, term, design, device, or form of advertisement that would probably be mistaken for any label, trade-mark, term, design, device, or form of advertisement theretofore filed by, or on behalf of, any other person, union, or association.

SEC. 4. Any person who shall for himself, or on behalf of any other person, association, or union, procure the filing of any label, trade-mark, term, design, or form of advertisement in the office of the secretary of state, under the provisions of this act, by making any false or fraudulent representations or declarations, verbally or in writing, or by any fraudulent means, shall be liable to pay any damages sustained

in consequence of any such filing, to be recovered by, or on behalf of, the party injured thereby, in any court having jurisdiction, and shall be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding three months.

SEC. 5. Every such person, association, or union adopting or using a label, trade-mark, term, design, device, or form of advertisement as aforesaid, may proceed by suit to enjoin the manufacture, use, display, or sale of any counterfeits or imitations thereof; and all courts of competent jurisdiction shall grant injunctions to restrain such manufacture, use, display, or sale, and may award the complainant in any such suit, the court having jurisdiction, such damages, resulting from such manufacture, use, sale or display, as may be by the court or jury deemed just and reasonable; and shall require the defendants to pay to such person, association or union, all profits derived from such wrongful manufacture, use, display or sale; and such court shall also order that all such counterfeits or imitations in the possession or under the control of any defendant in such case be delivered to an officer of the court, or to the complainant, to be destroyed.

SEC. 6. Every person who shall use or display the genuine label, trade-mark, term, design, device, or form of advertisement of any such person, association, or union, in any manner, not being authorized so to do by such person, union, or association, shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment for not more than three months, or by a fine of not more than one hundred (\$100) dollars. In all cases where such association or union is not incorporated, suits under this act may be commenced and prosecuted by an officer or member of such association or union, in behalf of, and for the use of, such association or union.

SEC. 7. Any person or persons who shall in any way use the name or seal of any such person, association or union, or officer thereof, in and about the sale of goods or otherwise, not being authorized to so use the same, shall be guilty of a misdemeanor, and shall be punishable by imprisonment for not more than three months, or by a fine of not more than one hundred dollars.

Approved February 6, 1897.

CHAPTER 125.—*Convict labor.*

SECTION 31. The board of prison commissioners, as a temporary means for the employment of the more able bodied shorter time convicts, not otherwise employed or that can not be employed within the walls or on the farm, shall be permitted, and it is their duty to establish branch prisons and contract with any person, firm, corporation or county or municipal authorities for building public roads, pikes, clearing ground, farming operations, where competing the least with free or skilled labor;

Approved April 30, 1897.

TEXAS.

ACTS OF 1897.

CHAPTER 152.—*Protection of wages of employees.*

SECTION 1. Whenever any clerk, accountant, bookkeeper, artisan, craftsman, factory operative, mill operative, servant, mechanic, quarryman, or common laborer, farm hand, male or female, may labor or perform any service in any office, store, saloon, hotel, shop, mine, quarry, manufactory, or mill of any character, or on any farm, under or by virtue of any contract or agreement, written or verbal, with any person, employer, firm, corporation, or his, her or their agent or agents, receiver or receivers, trustee or trustees, in order to secure the payment of the amount due by such contract or agreement, written or verbal, the hereinbefore mentioned employees shall have a first lien upon all products, machinery, tools, fixtures, appurtenances, goods, wares, merchandise, chattels, or thing or things of value of whatsoever character that may be created in whole or in part by the labor of such persons or necessarily connected with the performance of such labor or service, which may be owned by or in the possession of the aforesaid employer, person, firm, corporation, or his, her or their agent or agents, receiver or receivers, trustee or trustees: *Provided*, That the lien herein given to a farm hand shall be subordinate to the landlord's lien now provided by law.

SEC. 2. Whenever any person, employer, firm, corporation, his, her or their agent or agents, receiver or receivers, trustee or trustees, shall fail or refuse to make payments as hereinafter prescribed in this act, the said clerk, accountant, bookkeeper, farm hand, artisan, craftsman, operative, servant, mechanic, quarryman, or laborer,

who shall have performed service of any character, shall make or have made duplicate accounts of such service, with amount due him or her for the same, and present or have presented, to aforesaid employer, person, firm or corporation, his, her or their agent or agents, receiver or receivers, trustee or trustees, one of the aforesaid duplicate accounts within thirty days after the said indebtedness shall have accrued. The other of the said duplicate accounts shall, within the time hereinbefore prescribed, be filed with the county clerk of the county in which said service was rendered, and shall be recorded by the county clerk in a book kept for that purpose. The party or parties presenting the aforesaid account shall make affidavit as to the correctness of the same. A compliance with the foregoing requirements in this section shall be necessary to fix and preserve the lien given under this act; and the liens of different persons shall take precedence in the order in which they are filed: *Provided*, That all persons claiming the benefit of this act shall have six months within which to bring suit to foreclose the aforesaid lien: *And provided, further*, That a substantial compliance with the provisions of this section shall be deemed sufficient diligence to fix and secure the lien hereinbefore given: *Provided*, That any purchaser of such products from the owner thereof shall acquire a good title thereto, unless he has at the time of the purchase actual or constructive notice of the claim of such lien holder upon such products, said constructive notice to be given by record of such claim, as provided for in this act, or by suit filed.

SEC. 3. Under the operations of this act, all wages, if service is by agreement performed by the day or week, shall be due and payable weekly, or if by the month, shall be due and payable monthly. All payments to be made in lawful money of the United States.

SEC. 4. Any of the parties named in section 1 of this act, may transfer or assign their rights hereunder, and their assignee or assignees shall have the same rights and privileges as are conferred upon such persons enumerated in section 1.

SEC. 5. The lien created by this act shall cease to be operative after six months after the same is fixed, unless suit is brought within said time to enforce such lien. Approved May 27, 1897.

Takes effect 90 days after adjournment. [Adjourned May 21, 1897.]

CHAPTER 163.—*Examination, licensing, etc., of plumbers.*

SECTION 1. Every city in this State having underground sewers or cesspools, shall pass ordinances regulating the tapping of said sewers and cesspools; regulating house drainage and plumbing, creating a board for the examination of plumbers, to be known as the examining and supervising board of plumbers; to provide for an inspection of plumbing. Said board shall consist of the following five persons: A member of the local board of health, the city engineer, the chief plumbing inspector, a master plumber of not less than ten years active in [sic] continuous business experience, and a journeyman plumber of not less than five years active continuous practical experience. The mayor and the local board of health shall make said appointment, and shall regulate the length of term each member shall serve; they shall fill all vacancies occurring in the examining and supervising board of plumbers; appointments to said vacancies to be for the unexpired term of the member whose place is filled.

SEC. 2. The examining and supervising board of plumbers herein created shall examine and pass upon all persons now engaged in the business of plumbing, whether as a master plumber, employing plumber, or journeyman plumber, in their respective cities, and all persons who may hereafter wish to engage in the business of plumbing as master plumber, employing plumber, or journeyman plumber, within their respective jurisdictions, and also all persons who may apply for the office of plumbing inspector. They shall issue a license to such persons only as shall successfully pass a required examination. They shall also register in a book to be kept for that purpose, the names and places of business of all persons to whom a plumber's license is issued. They shall not issue license for more than one year, but the same shall be renewed from year to year, upon proper application.

SEC. 3. Each applicant for examination for plumber's license shall pay to such person as the examining and supervising board of plumbers may designate to receive the same, the sum of three (\$3) dollars for each master plumber examined, and the sum of two (\$2) dollars for each journeyman plumber examined, which fees may be used by said board to defray any of its legitimate expenses, the residue, if any, to be paid over to the treasurer of the city in which said board shall operate. Members of the examining and supervising board of plumbers shall receive no compensation for their services on said board. Said license shall be nontransferable, and said examination and examination fee shall not be required of the same person more than once.

SEC. 4. In selecting the first or chief inspector of plumbing, herein provided for, the mayor shall act with the other four members of said board above specified.

After said inspector of plumbing shall have been chosen, he shall become the fifth member of the examining and supervising board of plumbers in place of the mayor.

SEC. 5. License shall not be issued to any person or firm to carry on or work at the business of plumbing, or to act as inspector of plumbing, until he or they shall have appeared before the examining and supervising board for examination and registration, and shall have successfully passed the required examination. Every firm carrying on the business of plumbing shall have at least one member who is a practical plumber.

SEC. 6. Any person, whether as master plumber, employing, or journeyman plumber, engaged in, working at, or conducting the business of plumbing without license as provided in this act, shall be guilty of a misdemeanor, and on conviction thereof, shall pay a fine of not less than twenty nor more than two hundred and fifty dollars.

[Note.—The foregoing act was presented to the governor of Texas for his approval, on Friday, the twenty-first day of May, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the constitution, and thereupon became a law without his signature.—J. W. Madden, Secretary of State.]

Takes effect 90 days after adjournment. [Adjourned May 21, 1897.]

RECENT GOVERNMENT CONTRACTS.

[The Secretaries of the Treasury, War, and Navy Departments have consented to furnish statements of all contracts for constructions and repairs entered into by them. These, as received, will appear from time to time in the Bulletin.]

The following contracts have been made by the office of the Supervising Architect of the Treasury:

ELLIS ISLAND, NEW YORK HARBOR, N. Y.—January 22, 1898. Contract with Warren Rosevelt, New York, N. Y., for crib bulkhead and dredging and filling therefor at immigrant station, \$61,046.86. Work to be completed within one hundred and twenty working days.

PATERSON, N. J.—January 31, 1898. Contract with James F. Earley, Washington, D. C., for plaster models for ornamental marble, wood, iron, plaster, etc., work for post-office, \$2,832. Work to be completed within ninety-five days.

OMAHA, NEBR.—January 31, 1898. Contract with Angus McLeod Company, Minneapolis, Minn., for the completion of interior finish and plumbing above first story, etc., of court-house, custom-house, and post-office, \$79,477. Work to be completed within twelve months.

WASHINGTON, D. C.—February 2, 1898. Contract with D. S. Hess & Co., New York, N. Y., for completion of interior finish of post-office, \$319,400. Work to be completed within eight months.

PUEBLO, COLO.—February 9, 1898. Contract with Charles B. Kruse Heating Co., Milwaukee, Wis., for boiler plant, low-pressure and exhaust steam heating and mechanical ventilating apparatus for post-office, \$15,835. Work to be completed within one hundred working days.

SOUTH OMAHA, NEBR.—February 21, 1898. Contract with Charles W. Gindele Co., Chicago, Ill., for erection and completion, except heating apparatus, of post-office, \$63,600. Work to be completed within twelve months.

BULLETIN

OF THE

DEPARTMENT OF LABOR.

No. 16—MAY, 1898.

ISSUED EVERY OTHER MONTH.

EDITED BY

CARROLL D. WRIGHT,
COMMISSIONER.

OREN W. WEAVER,
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WASHINGTON.

MAY, 1898.

**THE ALASKAN GOLD FIELDS AND THE OPPORTUNITIES THEY
OFFER FOR CAPITAL AND LABOR.**

BY SAM. C. DUNHAM.

[Recognizing the desire for trustworthy information relating to the opportunities for remunerative employment of American labor and capital in the gold regions in the Yukon Valley and adjoining territory, Mr. Samuel C. Dunham, of this Department, was directed to proceed to Alaska and to the locality of the gold regions for the purpose of making an official investigation. The Department was in receipt of so many inquiries relative to wages, cost of living, and other matters relating to the mining industry in Alaska that it was deemed advisable to make the investigation. Instructions were given Mr. Dunham July 29, 1897, and he left Washington on the 31st. Mr. Dunham was selected because of his experience of twelve years or more in gold and silver mining districts, his familiarity with mining processes and the habits of miners fitting him thoroughly for the proposed inquiry. In addition to his knowledge of mining matters, he is an expert stenographer, which qualification has enabled him to take down statements for his report when made to him, thus avoiding the necessity of depending upon memory for transcription.

Mr. Dunham's report is herewith given to the public. It brings matters up to January 8, 1898. In transmitting his report Mr. Dunham informs the Department of the great difficulties that he had to overcome in securing information. These difficulties arose in many ways, chiefly in the verification of statements, and from the habits of miners to exaggerate their accounts of output and conditions. Only personal observations could secure the real facts.

Mr. Dunham acknowledges his indebtedness for courtesies and assistance extended by Hon. Joseph W. Ivey, collector of customs for

the district of Alaska, Sitka; C. Constantine, inspector Northwest mounted police, Dawson, Northwest Territory; Capt. J. E. Hansen, assistant superintendent of the Alaska Commercial Company, Dawson; Capt. John J. Healey, manager of the North American Transportation and Trading Company, Dawson; Hon. John E. Crane, United States commissioner, Circle City, Alaska; Mr. Charles Smith, deputy collector of customs, Circle City; Mr. Howard Turner, agent Alaska Commercial Company, Circle City; Mr. George E. King, agent North American Transportation and Trading Company, Circle City; Mr. W. A. Beddoe, editor of the Alaska Miner, Juneau; Mr. F. D. Nowell, of the Berners Bay Mining Company, Juneau, and the Alaska Chamber of Commerce, Juneau. Special thanks are also due Ernest O. Crewe, M. D., of Chicago, Ill., who at the time of Mr. Dunham's investigations was at Circle City, for the preparation of that portion of his report relating to the climatic conditions and agricultural resources of Alaska, and to Capt. P. H. Ray, U. S. A. For the accompanying general map acknowledgment is hereby rendered to Mr. J. B. Tyrrell, of Washington, D. C.—C. D. W.]

INTRODUCTION.

On July 15, 1897, the steamer *Excelsior* entered her dock at San Francisco with a party of miners returning home from the Yukon River. The dispatches which went to the country through the press that evening and the following morning announced that a large amount of gold dust, variously stated at from \$500,000 to \$750,000, had been brought down on the *Excelsior*, and gave the details of the discovery and partial development the previous fall and winter of rich placer gold diggings on tributaries of the Klondike, a small river flowing into the Yukon from the eastward at a point in Northwest Territory not far from the boundary line between American and British territory. The news created some excitement among the miners of the West, but attracted no great attention in the East. On July 17 the steamer *Portland* landed at Seattle with some sixty miners from the Klondike and bringing gold dust to the value of \$800,000. This news was so skillfully handled by enterprising newspapers that within a week thousands of men, many of whom had never taken hold of pick or shovel with serious intentions in their lives, were making preparations to go to the new gold fields, and by August 1 the most dramatic, if not the most extensive, exodus since that of 1849 was well under way. Men who had participated in the great exodus of nearly half a century ago, in reading the accounts, felt their nerves tingle as they recalled the golden days of the fifties, and many of these old pioneers outfitted their sons and nephews and bade them Godspeed to the new Eldorado; while a million artisans and laborers, who during the long industrial depression had toiled for a bare subsistence or had not toiled at all, looked longingly toward the North. The contagion spread to all classes—laborers, clerks, merchants,



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bankers, lawyers, physicians, ministers of the gospel—and even Federal and State officials were so charmed by the alluring picture drawn by the press that they resigned their positions to undergo the hardships of the perilous journey to the Klondike, presumably to engage in the arduous labor of mining. While it was evident that the mass of matter on the subject appearing in the daily press contained much that was exaggerated and untrue, yet it was recognized that truth also pervaded the stories that were told, for the amount of gold brought by the miners from the Yukon indicated beyond doubt that a strike of extraordinary character had been made. The demand at Washington from all parts of the country for authentic information on the subject had become so great by the latter end of July that the Commissioner of Labor felt impelled to make an official inquiry relative to the condition of affairs in the Yukon gold fields, and the writer was ordered to make the investigation, in accordance with the following letter of instructions, of date July 29, 1897:

You are hereby assigned to duty in Alaska and British America for the purpose of making an investigation relative to the opportunities which the gold regions in the Yukon Valley and adjoining territory afford for the remunerative employment of American labor and capital. Please proceed at once to Circle City or Dawson City, as may be most practicable. Your study of the conditions in the recently discovered gold fields and the surrounding country should be thorough, and so conducted as to enable you to ascertain full and complete information as to the means and expense of reaching such localities, the demand for labor, rates of wages, cost of living, etc., and also the extent and value of the present workings and the best localities for settlement. Your inquiries should include not only the gold fields and vicinity, but such other localities in Alaska as are affected by the gold discoveries. You should keep constantly in mind that the chief purpose of the investigation is to ascertain what avenues are open for the employment of labor and the conditions under which such employment can be secured.

Your report should be made at the earliest possible date consistent with a thorough and exhaustive examination along the lines indicated and in the territory assigned to you.

Please keep the Department fully informed from time to time as to the progress of your work, bearing in mind any unusual developments which may occur in the gold fields, in order that the people in this country may receive prompt and authentic information in relation thereto.

This report embodies the result of the investigation made under the above letter of instructions.

THE TRAILS.

There are four principal trails that were traveled to a greater or less extent by those going to the Yukon gold fields during the past season.

The first that will be considered is the Stikeen route. Disembarking from the ocean steamer at Wrangell, the traveler takes a river

steamboat at that place and ascends the Stikeen River to the town of Telegraph, about 150 miles from Wrangell. The fare is \$10, with an allowance of 100 pounds of baggage. From Telegraph to the head of Lake Teslin there is a portage of 122 miles, and during the past summer pack horses were used on the trail, the charge for packing being $17\frac{1}{2}$ cents per pound. At the head of Lake Teslin there is an abundance of timber for the construction of boats, but as there is no sawmill it is necessary for travelers to whipsaw lumber and build their own boats. It is reported that a sawmill will be in operation there in the spring. Lake Teslin is 104 miles long and is the source of the Teslin (Hootalinqua) River, which enters Lewes River 128 miles above Five Finger Rapids, the distance from the head of the lake to Dawson being 584 miles. The principal advantage of this route is that it avoids the Grand Canyon and the White Horse Rapids, but on account of the long portage it was chosen by comparatively few gold seekers during the past season, probably not over one hundred in all. It is authentically stated that the Canadian Government is constructing a wagon road from Telegraph to the head of Lake Teslin and that Canadian capitalists are building two small steamers during the present winter for service from the head of the lake to Dawson, expecting to have them ready for traffic on the opening of navigation in the spring.

The Chilkat or Dalton trail leaves Lynn Canal at Pyramid Harbor, the mouth of the Chilkat River, and ascends that stream about seventy-five miles, to the summit of Chilkat Pass; thence passing through low, bald hills and across rolling prairies to Fort Selkirk, five miles below the mouth of the Pelly and about 325 miles from Chilkat Pass. The old Dalton trail, which has been practically abandoned, strikes Lewes River just below Five Finger Rapids. The Dalton trails were used by cattle drovers during the past season, one herd having been taken in by the old route, and a few miners passed over the new trail with pack horses. There are quite a number of deep streams to cross, it often being necessary during high water to swim them. This is considered by many practical men to be the most feasible route for a railroad to the Yukon.

The Skagway River enters Lynn Canal near its head, about five miles by water below Dyea. The Skagway trail, the favorite route of the Canadians, follows the river to the summit, a distance of about twenty miles, and thence through a succession of hills, bogs, and meadows to Lake Bennett, the distance from Skagway Harbor to the lake being about forty-five miles. For four miles from Skagway there is a fairly good wagon road, and freight is transported that distance in wagons. At this point the trail ascends the mountain side, traversing precipitous, rocky hillsides eight miles, and then crosses the river and continues its course on the opposite side of the stream to the summit. On August 22 there were about 4,000 men and 2,000 horses on this trail, and but few had succeeded in getting past the summit with their outfits on account of its miry condition. The price

for packing to Lake Bennett was 30 cents per pound, and horses were selling for from \$150 to \$300 a head. The price of hay was \$360 per ton, and Klondike prices prevailed generally, a pair of shoes costing \$10, woolen mittens \$3, and other articles of wearing apparel in like proportion. The town of Skagway had a temporary population of about 1,000, there being a few buildings constructed of rough lumber, while most of the people were living in tents. A town site had been located and surveyed, and the place possessed all the characteristics of a boom town on the Western plains. The steamers arriving at Skagway discharged their passengers and cargoes by means of lighters, there being no wharf and the harbor being very shallow near shore. The tides being high here, freight landed on the beach at low tide was frequently caught by the incoming tide before it could be transported to a place of safety, and in this way much loss occurred. The agents of the steamship companies made no effort to avoid such disasters to the property of their patrons, their entire energies being strained to the utmost to unload their vessels as quickly as possible in order to get them back to the lower ports, where thousands of people were anxiously awaiting their turn to be treated in like manner. The steamship companies were building a wharf, and it is probable that the state of affairs described will be improved by the season of 1898. During July Dyea was made a subport of entry, but, as Skagway has a deeper harbor than Dyea, most of the vessels landed their cargoes at Skagway and the United States customs officials made their headquarters there and were actively engaged in collecting duties on unbonded Canadian goods. There were many vigorous protests from the Canadians against what they considered the injustice of taxing goods which were simply in transit through a narrow strip of American territory for consumption on British soil, and they especially complained of the \$30 duty being charged on horses, many of which had cost in British Columbia less than the amount of the duty imposed.

The Chilkoot or Dyea trail is the overland route to the Yukon that has been most generally chosen during past years by gold seekers, and a very large proportion of those who succeeded in getting to the gold fields last summer went in by this trail. The best time to start from Dyea is between the middle of March and the last of April, as it is then comparatively easy to transport outfits by means of sleds to the foot of Lake Bennett, or even farther, where good timber for boat building can be found in abundance. By adopting this course the tedious and difficult trip over the Chilkoot Pass, and the voyage through the lakes, after the ice breaks up in May, are avoided, the journey being made through the canyon of the Dyea (Taiya) River. Parties of three or four should be organized, as one tent and camp outfit, whipsaw, etc., will suffice for all.

The customary rate for packing from Dyea to Lindeman has been 14 cents per pound, but during the past summer it rose to 47 cents, the rate on August 23 being 38 cents. These high rates were the result of

the voluntary bids for the services of packers by men of means who were anxious to get to the Klondike without delay, the Indian packers, having once received an advance price refusing to work for the old rate. These prices were practically prohibitory to gold seekers of ordinary means, and they were obliged to pack their supplies themselves, many of them having been six weeks on the trail and not having yet succeeded in getting their outfits over. The average load of a white packer was 100 pounds, and it required four days to make the round trip to Lake Lindeman, a distance of twenty-seven miles. On August 23 there were about 1,500 men on the trail en route to the Klondike, and about 250 Indians and 150 white men were engaged in packing. About 150 head of horses were in use, packing as far as Sheep Camp, fourteen miles from Dyea, starting from the ferry, to which point freight was transported in wagons. Canoes were used for carrying outfits to the head of canoe navigation, six miles from Dyea. The Indians, as a rule, packed direct from Dyea to Lindeman, carrying from 100 to 220 pounds each, while the white packers were generally employed from the head of canoe navigation and from Sheep Camp to transport the freight carried to those points by canoes and horses, their packs ranging from 75 to 150 pounds. Freight and passengers for Dyea are landed on the beach in the same manner as at Skagway, and much loss occurred by the washing away of supplies by the incoming tide. The cost for transporting freight from the beach to the village of Dyea, about two miles, was \$5 per ton. A first-class outfit for one man weighs from 1,200 to 1,500 pounds, costing from \$150 to \$200 at Seattle or Juneau, and no one should venture into the interior with less than the smaller weight named.

The details of the journey from Dyea to Dawson are given in the form of a diary, commencing August 23, 1897, as it is thought that they can best be presented in this way.

August 23.—Started from Dyea for Lake Lindeman with four Indians—Sleepy Tom, Right Eye, Slim Jim, and Chilkat Jack—each with a pack of 100 pounds; rate, 38 cents per pound. It had been threatening rain all the morning, and it was with great difficulty that the Indians could be induced to move. Finally, at 11 a. m., they were prevailed upon to set out, and they disappeared in the woods up the trail, while their victim struggled into the pack straps containing his valise, rubber boots, rifle, and oilskin, the entire weight of the pack, according to the scales, being forty-seven pounds. Followed Indians as rapidly as possible, but could not catch them. Evidently good walkers. After proceeding about three-quarters of a mile became convinced that the Dyea scales required adjustment, as the pack seemed to weigh much more than forty-seven pounds. Met a little Indian boy returning from the ferry with a small cart. As he was evidently in the freighting business, a proposition was made to him to transport pack to the ferry, which he agreed to do for \$1. Arrived at ferry, one mile from Dyea, at 11.30.

The river at this point is about 200 feet wide, being very swift and deep. Discharged freighter and crossed the river; ferry charge, 50 cents. Was informed that four Indians had just left, and that they could not be more than 100 yards ahead. Proceeded up the trail, and about half a mile above the ferry caught up with a Cœur d'Alene miner with two pack horses. Having had but little experience in packing, he was having trouble with his packs, which frequently came in contact with the trees on the narrow trail. One horse was unevenly loaded, with a 100-pound gunny of flour on one side and fifty pounds of beans on the other. The miner suggested that the valise would just about balance the pack, and he was allowed to use it for the purpose suggested. Proceeded without further trouble to the head of canoe navigation, six miles from Dyea. The trail from the ferry to this point winds through the woods and along a dry channel of the river. In the woods the traveler has his first experience with Alaska muck and roots. In many places the trail is cut to a depth of eighteen inches, and every few feet an uncovered root extends across the pathway, requiring a species of pedestrianism akin to walking in a row of bushel baskets. Where the trail follows the old river bed there are alternate stretches of sand and cobblestones, rendering progress exceedingly slow and fatiguing. The river is crossed three times between the ferry and the camp at the head of canoe navigation, it being necessary to wade the stream at the first and second crossings, where the water is from two to three feet deep and very swift, while at the third crossing there is a good footbridge. Arrived at the camp at head of canoe navigation at 3 o'clock. There are twenty-five or thirty tents here. Bade a reluctant adieu to Cœur d'Alene miner and employed Indian packer to carry valise to Sheep Camp, eight miles farther up the trail, being obliged to accede to his demand for compensation at 100-pound rate, or \$10 for the eight miles. The trail follows the dry channel for two or three miles and then ascends the precipitous side of the canyon, it being necessary in many places to climb to a height of three or four hundred feet above the river, only to descend a steep incline and scale another hill worse than the last. In the ravines and lowlands there is always a bed of muck, produced by decayed vegetation and the washing down of the soil from the steep hillsides by the heavy and almost incessant rains. The worst places have been corduroyed at an expense of several thousand dollars. Many Indian and white packers are met on the trail, returning to Dyea. Inquiry of the one or two white packers from whom any reply whatever could be extracted, elicited the information that four Indians had been met just this side of Sheep Camp. Sociability is at a discount on the Dyea trail. Your respectful greeting of "good afternoon" is received by an Indian with a grunt and by a white man with a surprised stare that makes you feel that you have committed a grave breach of etiquette, and you soon learn to keep your mouth shut, except to catch your breath on the steep inclines. Arrived at Sheep Camp at 7 o'clock.

There are probably 150 tents here, and a temporary population of 300 or 400. The camp is located on the banks of the Dyea River, which is here a rushing torrent 30 or 40 feet wide. Mountains of Alpine grandeur rise on either side, and the gorges are filled by glaciers which discharge into the river in numerous waterfalls. On inquiry at the Indian camp it was learned that Sleepy Tom & Co. had gone on to Stone House, two miles farther up the trail. Stayed for the night at the Palmer House, the largest hotel in Sheep Camp. This structure, which is the most imposing in the place, is constructed of rough boards, and is about 25 by 50 feet in size, having but one story containing one room. About one-fourth of the rear portion is partitioned off by means of a calico portiere, and is used for kitchen and general living room of the landlord and family. Application for supper was met by a statement from the landlord that he had fed 500 people during the day, and that everything was eaten up; but a somewhat prolonged appeal resulted in the production of two biscuits, a slice of bacon, and a cup of tea, the charge being 75 cents in advance, this requirement being based on the absence of heavy baggage. During the evening the landlord related some incidents in his career. He had farmed and reared children in Wisconsin, until the hard times and the needs of a large family drove him to Seattle, but unfortunately he struck that town in the wane of its boom, and after struggling against fate for a year or two he decided to try his fortunes in the frozen North. He arrived at Juneau in May with his wife, seven children, and \$8. His grit was of a kind that gained the good will of kind people in Juneau, who made it possible for him to come to Dyea, with his two half-grown sons, to engage in packing on the trail. After some weeks of most exacting labor he found himself financially equipped to cater to the Sheep Camp needs, and, assisted by his wife and seven children, has since been doing a large and profitable business. The sons are still packing on the trail and making from \$10 to \$15 a day apiece. So much for clear grit and a staunch heart. Some forty of the guests were accommodated with lodgings on the floor, each furnishing his own blankets. Was invited to share the blankets of a gentleman who had been confined to the hotel for two or three weeks on account of a broken ankle.

August 21.—Landlord refused payment for lodging, and even apologized for the lack of accommodations. This fact, even without the knowledge obtained in the conversation last night, stamps him as a "cheechako."^a After breakfast employed packer to carry valise to Lake Lindeman at a cost of \$16, and at 8.30 a. m. proceeded on the way in a drizzling, cold rain. At the foot of the Chilkoot Pass, four miles from Sheep Camp, which point was reached at 10.30, a large number of white men and Indians were camped, many of whom had attempted to cross,

^a A Chinook word meaning "newcomer," and having the same signification as "tenderfoot" on the upper Missouri. It is applied to everyone who has not passed a winter here.

but had cached their packs and returned. They stated that a terrific storm was raging on the summit and that it was impossible to get over. On inquiry, it was learned that Sleepy Tom and his party had reached the summit last night, and as it was necessary to be at Lindeman in order to receive outfit and pay them off, it was decided to attempt the journey. The rugged slope of the Chilkoot loomed up at an angle of 45 degrees, disappearing in the clouds and mist a hundred feet above. The trail leads up rocky ledges and along smooth boulders, some of which are fifty feet in length, and across the face of glaciers many acres in extent, and in places skirting precipices projecting over gorges hundreds of feet in depth. There is no vegetation above the foot of the pass, and in the absence of trees and shrubs, which abound along other portions of the trail, the only recourse in case of a slip or stumble is to catch at the rocks, which in their wet condition offer a poor hold for the hand. A number of packers were met high up on the trail, who stated that it was dangerous to go on; that they had gone nearly to the summit, but were forced to return on account of the storm. By this time the rain had turned to sleet, and, as the wind was blowing a hurricane, it cut the face like needles and rendered the pathway exceedingly slippery and the footing uncertain. Fortunately, when about two-thirds of the ascent was accomplished, the wind shifted to the west, coming up the pass and greatly assisting progress. On account of the great exertion in climbing the steeps, was obliged to stop at frequent intervals for a breathing spell; but the moment the exertion ceased a chill ensued, making it necessary to move on to avoid freezing. Reached the summit at 11.30, having been one hour in making the ascent, wet to the skin, with shoes full of water, and chilled to the marrow. From the summit to Crater Lake, a distance of one and a half miles, the descent is steep and the trail slippery and treacherous. Arrived at Crater Lake at 1 p. m., and found that the ferry was not running on account of the high wind, making it necessary to proceed by way of the trail. At 2 o'clock reached Happy Camp. Applied at half a dozen of the score or so of tents for a cup of coffee, but was refused, although in each case payment was tendered. A man with a pile of grub six feet high in front of his tent declined to part with enough of it, even for pay, to enable a fellow-traveler to reach his own outfit a few miles farther on. Seemed to be possessed by a fear that next year, about June, perhaps, he was liable to run short of some luxury. Reached the foot of Long Lake, three miles from Lindeman, at 4 o'clock. Quite a number of tents here. Applied at one for a cup of coffee, and received a hearty invitation from the three occupants, all sturdy young men from Montana, to join them in the meal they were preparing. An attempted apology for the intrusion met with the unanimous assurance from the young men that none was necessary, as they had themselves but ten minutes before taken possession of the tent, which they had found unoccupied. After a sumptuous dinner of baking-powder biscuits, bacon, beans, and coffee, a

letter was written to the owner of the tent, thanking him for his hospitality, signed by his four guests, and left on the grub box. Arrived at Lake Lindeman at 7 o'clock. The camp at the head of the lake contains about fifty tents and a temporary population of 200. Sleepy Tom et al. not yet here. Situation somewhat discouraging; no blankets, no food—nothing but wet clothes and a bad cold. Made the acquaintance of two brothers from Juneau, and on statement of circumstances was invited to share their tent, given a change of clothing and half a teacupful of Hudson Bay rum, and put to bed. Opinion of the people on the trail improving.

August 25.—Spent the day in inspecting the camp. Fifteen boats are in course of construction, whipsawed lumber being used. Logs are getting scarce, it being necessary to go two or three miles across the lake to get good ones. Lumber is selling for \$500 a thousand at the sawmill at Lake Bennett, eight miles below. Boat large enough to carry three men sold to-day for \$375. Prices of all articles practically prohibitory for men of ordinary means. Flour and bacon cost \$50 a hundred laid down here, and can scarcely be bought at any price. Good pair of shoes costs \$15. Two men working together, whipsawing lumber, sell their day's product for \$50, and packers receive as high as \$25 a day and board. Has been raining steadily all day, and it is reported that there is a bad storm on the summit. No Indians have crossed the pass since the 21st.

August 26.—Still raining. No Indians.

August 27.—Right Eye arrived at 9 a. m. Brings letter from postmaster at Dyea, stating that Sleepy Tom, Slim Jim, and Chilkat Jack are still there; that the four Indians had come only half a mile or so on the 23d, and then took to the woods and went back home to await good weather. Still raining, but barometer indicates clear weather.

August 28.—Sleepy Tom and Slim Jim arrived at 9 a. m., with packs containing blankets and typewriter. Typewriter in bad condition, sole leather case having collapsed on account of the soaking rain. Should have been packed in a box. Have made arrangements for passage down the river. Construction of the boat begins to-morrow, and hope to be ready to leave within three days. Secured hind quarter of caribou to-day; price, 50 cents per pound. An improvement on bacon. Weather has cleared up, and seven boats got away to-day. Seventy-five Indian packers and about fifty white men got over to-day. They report that the summit has been impassable for three days. The price of packing has increased to 40 cents per pound. Whisky selling to-day for \$8 a bottle, and reported not a very good article at that.

August 29 (Sunday).—Last pack got in at 11 a. m. Chilkat Jack jumped his contract, and postmaster at Dyea employed Tagish Tom as a substitute. Tom somewhat under the influence of Long Lake whisky, but got here just the same. Man with 26-foot boat on Long Lake is making \$250 a day ferrying freight down the lake. Left at 11 a. m. for

Lake Bennett in Peterboro canoe. Outfit of entire party, weighing 4,000 pounds, was ferried to the foot of Lake Lindeman, six miles, for \$30. The lake is a beautiful sheet of water, about six miles long and one mile wide. It empties into Lake Bennett through a very crooked and narrow stream, full of rocks and rapids, and dangerous for boats. It is necessary to make a portage of three-quarters of a mile to the head of Lake Bennett, boats being let down through the swift stream by means of ropes. Reached the foot of the lake at 12.30 p. m., made the portage, and camped at the head of Lake Bennett at 5 p. m. Wages and prices at Lindeman and Bennett to-day: Whisky, \$8 a bottle and 50 cents a drink; bacon, \$1 per pound; flour, \$80 per hundred; dried fruit, \$50 per hundred; beans, \$50 per hundred; tobacco, \$2 per pound; fish and game, \$1 per pound; nails, \$1 per pound; horse shoes, \$5 apiece; horseshoe nails, \$1 apiece; boots, \$18; shoes, \$12 to \$15; wages of boatbuilders, \$15 a day and board. Many packers are making from \$25 to \$30 a day. About 200 people are camped here, there being forty or fifty tents scattered along the lake shore. The Skagway trail ends here. About 100 men have succeeded in getting their outfits to Bennett by the Skagway route. It is reported that the trail has been much improved, and that many hundreds will get over in the course of the next fortnight. The price of packing on the Skagway trail has risen to 60 cents per pound.

August 30.—Raw and cold, and a drizzling rain fell all night. The temperature is getting lower and lower; 45 this morning. It has been snowing on the mountains for two or three days, and the snow line is creeping toward the valleys at the rate of 500 feet a day, it now being about 3,000 feet above sea level and 1,000 above the valleys. Learned to-day that the man who has been building boat at sawmill two miles across the head of the lake has been sick and made no progress. Nominal price of lumber at sawmill, \$500 a thousand, but it is impossible to secure any, as the proprietors require their entire output (800 feet per day) for the construction of boats already contracted for. Two-ton boats selling to-day for \$350 and \$400. Rained all day, with cold wind from the north.

August 31.—Met sergeant of the Northwest mounted police, who is here with a pioneer party of seven men for the purpose of building boats for the transportation to Lake Tagish and Dawson of six officers and twenty men of the force now coming over the Skagway trail. Received from him first authentic information relative to the customs station just established at the lower end of Lake Tagish. A customs collector of the Dominion Government has passed down the lakes and is expected to begin the levy of duties to-morrow on all unbonded American goods passing his station. The following rates are to be charged: On hardware, from 30 to 35 per cent ad valorem; provisions, from 15 to 20 per cent; clothing, from 20 to 25 per cent; tobacco, 50 cents per pound. Miners' blankets, clothing in actual use, and 100 pounds of provisions

will be allowed in free. Apart from these exemptions the duty on ordinary outfits will average about 25 per cent. Still raining, with sharp north wind, and snowing in the mountains.

September 1.—Still raining, with cold wind blowing from the north. Five boats came down from Lindeman to-day. Our boat will be completed to-morrow.

September 2.—Eight boats started down the lake to-day. Weather very favorable, the wind blowing from the south. Rained during the afternoon. Have just learned that the mounted police, by right of eminent domain, made a demand to-day on the proprietors of the saw-mill for its entire output until their boats are completed. This will delay us several days.

September 4.—Rained all day yesterday, but is clear to-day, with south wind. Seven boats passed down Bennett to-day. A very large proportion of those passing down the lake are poorly outfitted, many having less than 500 pounds apiece. About forty men have come down over the Skagway trail with their outfits during the past three days, and report that many more are this side of the summit. Day closed with drizzling rain.

September 5.—Still raining, with a strong north wind, and fifteen or twenty boats are held up, waiting for fair wind. Boat is completed all but the calking, which will be done to-morrow. Price of packing on the Dyea trail has risen to 47 cents a pound, an increase of 9 cents during the past ten days. Ferrymen on the lakes are making from \$250 to \$350 a day apiece. The price of boats has risen to \$500.

September 6.—Boat came over from the sawmill at 7 o'clock in the evening. She is 26 feet in length and 8 feet beam on top, 22 feet in length and 5 feet beam on bottom, and 28 inches deep, and will carry with ease five men and 5,000 pounds. Builder was offered \$800 for her by another party. Start down the lake to-morrow.

September 7.—Started for the north at 7 a. m. Weather delightful, but no wind. Four men at the oars. Reached Division Island, half-way down the lake, at 12 o'clock, and camped for dinner. Got under way at 1.30. Bennett is twenty-six miles long, with an extreme width of five miles. Mountains rise abruptly from the water on either shore, some to a height of 8,000 feet. There are twelve boats in sight, forming a procession five or six miles long. At 2.30 a stiff breeze sprung up from the south, the 10 by 12 tent was hoisted as a sail, and at 6.30 p. m. the boat entered the outlet of the lake, and a camp was made for the night at Caribou Crossing, which received its name from the fact that the barren-land caribou cross here in their migration south in the fall and return in the spring. A flock of 950 head of sheep here awaiting the construction of scows to transport them to Dawson. Two double-decked scows, 18 by 40 feet, are being built. The sheep were driven in over the Dyea trail. The start was made with 1,000 head, and they reached Lindeman in six days. After

razing a few days at Lindeman, they were driven down the east bank of Lindeman and Bennett to this point, the journey occupying six days, and forty head being lost en route. Sixteen men are employed, and there are about twenty head of horses in use.

September 8.—Left Caribou Crossing at 7.30 a. m., and within an hour were well into Lake Tagish. Windy Arm comes into the lake from the south, about three miles from Caribou Crossing. Opposite the mouth of Windy Arm are three islands, and the arm itself is inclosed by high mountains covered with snow, now burnished by the sunshine to a dazzling brilliancy. The guidebooks state that a strong wind is always blowing through Windy Arm, but it is not blowing this morning, and the oars are in use. Boats should keep to the right-hand side until the arm is passed. The eastern shore of Tagish is bordered by high mountains of limestone, and on the western shore there is a wide stretch of well-timbered lowlands, rising to a range of high hills seven or eight miles from the lake. Camped for dinner at 1 p. m. on the west shore, about ten miles from Caribou Crossing. Went into the woods to look for signs of game. Many moose and wolf tracks were found, but they are three or four weeks old, indicating that we are too late for fresh meat. Got under way at 2 o'clock. Good breeze sprang up from the south at 3 o'clock, sail was hoisted, and at 6 came in sight of the Union Jack of the customs station at the foot of the lake. Made landing at station at 7 o'clock. Found seven or eight boats tied up here, undergoing inspection. Courteously received by the collector. Station opened for business September 1, receipts up to date averaging \$1,200 per day. Collector stated that he was making it as light on the boys as his instructions would permit, and that, while the duty on some articles was pretty high, he was happy to say that there was nothing in his schedule quite as oppressive as the \$30 duty being charged by the United States collector at Skagway on broken-down Canadian cayuses. Proceeded down the river about a mile and camped for the night in a beautiful piece of woodland. Pitched tent alongside that of a party of Black Hills miners. They completed their transaction with the customs officials two hours ago, and are still talking about it. They were required to pay \$80 on a two-ton outfit.

September 9.—Broke camp at 8 a. m. Lake Tagish and Marsh Lake are connected by a broad stream, with slow current, known as Six Mile River. There are lowlands on either side, covered with a growth of cottonwood and white spruce. At 8.40 passed Tagish Houses, a collection of log houses on the right-hand bank of the river. The Indians hold their annual festivals here, and have a burying ground and crematory at the upper end of the village. Entered Marsh Lake at 9 a. m., under full sail in a stiff breeze. The lake is twenty miles long, with an average breadth of two miles, and is very shallow, being bordered by low, marshy lands, from which it derives its name. Had a five-mile breeze the entire length of the lake, arriving at the foot at 1.15 p. m. Weather

delightful, like an October day on Minnetonka or Lake George. Six or seven miles below Marsh Lake high-cut banks are encountered, in many places from 50 to 100 feet in height. The faces of the banks are honey-combed by millions of holes, which are the homes of bank swallows during the summer, but are now deserted. Camped at 3.30, on account of heavy rain, about ten miles below Marsh Lake. Party of six Colorado miners, with two boats and five tons of provisions, landed at 5 o'clock and camped for the night. Report that they were required to pay \$115 in duties at Tagish, and as the high rate of packing on the trail had made their funds run low they were obliged to part with a portion of their flour and other supplies to appease the collector. This unexpected and therefore unprepared-for levy is working great hardship, and is productive of many decidedly one-sided tariff discussions.

September 10.—Started at 7.15 a. m. Fifteen miles to the Grand Canyon. Some nervousness aboard. Weather delightfully cool and air exhilarating. Easy to imagine we are floating down the Hudson on a bright October day. High-cut banks on either shore. River from three to four hundred feet wide and very deep, with a three-mile current.

10.30 a. m.—The current has increased to five miles an hour, with frequent riffles. One of the party, who has been down the river before, says that it is only three miles to the canyon. River narrow and deep, and current increasing.

11.00 a. m.—A board nailed to a tree and displaying the word "Stop!" indicates that we are approaching the canyon. Boat keeps close to the right-hand bank here.

11.12 a. m.—The canyon is in sight, a quarter of a mile away. The river just above the entrance to the canyon, which suggests the Gateway to the Garden of the Gods, is six or seven hundred feet wide and presents the appearance of an immense milldam. There is an eddy on the right, where half a dozen boats are moored to the shore for the purpose of making the portage. With one man at the helm and two oars working, the boat swung far out to the left and entered the canyon straight down the center, riding the crest of the rapids like a duck. Held watch and timed the passage through the canyon, the distance of three-quarters of a mile being made in 3 minutes and 20 seconds, indicating a current of about thirteen miles an hour. Shot the rapids below the canyon and landed on left bank, just above the White Horse Rapids, for dinner. The canyon, which is from 60 to 100 feet in width, is formed by perpendicular walls of basaltic rock from 50 to 100 feet high. About half way through there is a whirlpool about 100 feet in diameter, and it is necessary to keep at work on the oars to prevent the boat from being caught in the circling waters. There is a skidway to the right of the canyon, and many transport their boats and cargoes over this portage of one mile in preference to shooting the canyon. There are about twenty boats and perhaps one hundred

people at the canyon and the rapids, making the portage. Took the opportunity during the dinner hour to walk down to the head of the White Horse Rapids, two miles below the canyon. The river makes an abrupt turn right at the head of the rapids, making it difficult to strike the crest. Anyone who is ambitious to shoot the rapids, except as steersman, is advised to forego inspection of them in advance, as the sight in most cases results in a decision to make the portage instead. The rapids are about half a mile long, and the immense volume of water, with swirling and high-breaking waves, sweeps down the incline at a speed of fifteen miles an hour. The river, which is 300 feet wide at the head of the rapids, contracts to forty at the foot, where the confined waters rush through the narrow gateway with foam-crowned turbulence and then sweep on with a seven-mile current for a few hundred yards, finally resuming their placid course. There is a short portage at the rapids and a skidway for boats, which are used by most voyagers, but very few attempting to shoot the rapids with full cargo. At the head of the rapids scores of trees have been denuded of their bark and the trunks covered with hundreds of names of those who have passed down the river, many inscriptions five or six years old being still decipherable. Notices on the bulletin board indicate that from six to fifteen boats per day have shot the rapids during the past ten days. There has been but one accident in that time, and that was in the case of a boat which the timid owners attempted to let down through the rapids by means of ropes, the boat being dashed to pieces on the rocks. Several graves at the rapids. There are a number of experienced river men here engaged in taking boats through the canyon and the rapids, their charge for services being \$25 per boat. On the bulletin board was a notice, signed by a party of five men from San Francisco, to the effect that they had shot the rapids the day before without portaging a pound of cargo, accompanied by the statement that theirs was the only boat out of thirteen that had accomplished the feat. This party had landed below the rapids and sent one of their number back to post the notice. Our steersman read the notice and wrote immediately below it, "We did the same September 10," signing the names of our party. Started through the rapids at 1.07 and shot them successfully, shipping only about a barrel of water and passing down the river without stopping. Camped for the night at the mouth of the Tahkeena, sixteen miles below the White Horse Rapids. The Tahkeena, which comes from the west, is about half as large as the Lewes and has a sluggish current at its mouth.

September 11.—Left camp at 7.30 a. m. Beautiful, bright morning. Current about four miles an hour. Reached the head of Lake Lebarge, fourteen miles below the mouth of the Tahkeena, at 10 a. m. A few miles below the Tahkeena the valley becomes very broad and the river breaks into many channels, with sluggish current. Kept the left-hand channel and entered the lake at 10 a. m. The lake is thirty-one miles

long and seven or eight miles wide at the island, about ten miles from the head, having an average width of about five miles. Its elevation above sea level is about 2,100 feet. Along the eastern shore, for a distance of six or eight miles from the upper end of the lake, there are gently sloping uplands, covered with timber and terminating in bald hills of a height of a thousand feet or more, forming the foothills of a high range of mountains running parallel with the lake. Farther down the lake limestone bluffs rise abruptly from the water's edge and become high mountains in the distance. On the west shore the hills are generally well wooded. Lebarge is frequently swept by strong winds for days at a time, and when the wind is from the north it is often an impossibility to get down the lake. It is the rule to follow the west shore to the island, as it is difficult to make a landing on the east shore in case of a squall. To the island had a fair south wind, which increased to a seven-mile breeze about 2 p. m., and at 5.30 the boat entered the outlet at the northeast corner of the lake. Camped at 7 o'clock on the west bank of the river, about six miles below the lake.

September 12.—This being Sunday, we decided to take a rest. Three of the party went into the mountains to the westward to look for moose. Returned at noon and reported many signs of large game, but two or three weeks old. A number of beautiful lakes were found five or six miles from the river, lying high in the hills. United States mail carrier passed up during the morning. Reports rich strike on Stewart River, prospects running as high as \$72 to the pan. Brings first news we have had from the Klondike, stating that there is a shortage of provisions and that no new strikes have been made in the Klondike district. Carrier is traveling by the only means of getting out of the country by this route at this time of year—a poling boat, which is eighteen feet long and two and a half feet wide. The boat is propelled by means of a twelve-foot pole, it being necessary to keep in close to shore to avoid the swift current and get good bottom. A good poler can make about a mile an hour in the main river, but by taking advantage of sloughs and cut-offs can average from fifteen to twenty miles a day.

Broke camp at 1 p. m. Bright, warm day, with an exhilarating atmosphere. Current, which is about three miles an hour just this side of Lebarge, gradually increases to five or six miles. Quite a number of bad rocks in the river from ten to fifteen miles below the lake, and ten miles farther down there are rapids with an eight-mile current. Passed the mouth of the Hootalinqua or Teslin River, about thirty miles below Lebarge, at 5 o'clock. This river enters the Lewes from the southeast, and seems to be somewhat smaller than the Lewes. Camped at 6 o'clock about ten miles below the Hootalinqua.

September 13.—Started at 6.50 a. m. Ice formed in water bucket to a thickness of half an inch, and light fall of snow, barely covering the ground, during the night. Sharp wind blowing from the north. Cur-

rent four or five miles an hour. Passed the Big Salmon River, which comes into the Lewes from the east, at 11 a. m. Many flocks of cranes, barely visible as orderly changing lines of black far up the sky, are passing to the southward. Camped for the night about thirty miles below the Big Salmon.

September 14.—Ice formed to a thickness of three-quarters of an inch in the water bucket during the night, and there is film of ice on the sloughs. Beautiful sunny morning. Broke camp at 6.50. Passed Little Salmon River, which enters the Lewes from the east, at 7.50. For many miles below the Little Salmon the river is narrow and deep, being confined by high, wooded hills and having a four or five mile current. Landed at 1.15 p. m. at George W. Cormack's deserted trading post, located on the left bank, about forty miles below the Little Salmon. On this side of the river there is a table-land several hundred acres in extent, covered with bunch grass and a growth of scrubby fir, larch, willows, etc., and on the east side there are high rolling hills, partially wooded and becoming mountains farther to the eastward. The deserted store is a well-built cabin, about 16 by 24 feet in size. There are but two articles of furniture in the cabin—a large heating stove made of a coal-oil tank, and a pine table, minus one leg and occupying a semirecumbent position in a corner of the room.

Since 9 o'clock a cold north wind has been blowing, and the place is desolate beyond description. Stopped at 3.30 and ascended a high mountain on the right bank to a height of seven or eight hundred feet. The hillsides are covered with a luxuriant growth of bunch grass and wild oats, and thousands of grasshoppers wing their halting flight in the brilliant sunshine. A magnificent view of the surrounding country is here obtained. The river, six or seven hundred feet wide, sweeps with a five-mile current two miles to the northward and disappears round a high wooded mountain, while to the westward range beyond range of mountains, many covered with snow, fade to the horizon, a hundred miles away—10,000 square miles of forest-clad hills and intervening vales where the foot of a white man has never trod. Camped on the west bank, at the head of Five Finger Rapids, at 5 o'clock. These rapids are very swift, but short. There are three principal channels, divided by basaltic columns from twenty-five to forty feet in height. The right-hand and middle channels are generally chosen by boatmen. There is but little danger, if boat is kept to center of channel, although a number of boats have been swamped here.

September 15.—Very cold during the night, temperature falling to 24 degrees and ice forming to a thickness of an inch. Broke camp at 7 a. m., and shot the middle channel. Two miles below the rapids the old Dalton trail strikes the river. A signboard displays the words: "Dalton Trail; 250 miles to Chilkat." This trail has been abandoned for the new Dalton trail, which strikes the river at Fort Selkirk, about fifty-five miles below. A herd of sixty-four head of beef cattle are grazing

here, awaiting cold weather, when they will be butchered and taken to Dawson on rafts. Shot Rink Rapids, six miles below Five Fingers, at 8.45 a. m. Boat keeps to the right, where there is no danger, as the channel is wide and deep. Thirty miles below Rink Rapids passed party with three large rafts, which are being taken to Fort Selkirk for the purpose of transporting beef to Dawson. It was necessary to come this far up to get good logs. At the mouth of the Pelly, five miles above Fort Selkirk, hail two miners poling up the river. Their only reply is: "If you haven't plenty of grub, you had better turn back." Landed at Fort Selkirk, which is located on the west bank of the river, fifty-five miles below Five Fingers and 160 miles above Dawson, at 3.30 p. m.

There is a trading post here conducted by Harper & Ladue, and they have a number of good buildings. There is a large vegetable garden here, and about 150 head of cabbage are maturing in the open air. Between fifty and sixty bushels of potatoes were raised during the season. The Church of England has a fine mission here, but it is now deserted on account of the lack of supplies. There is quite a large Indian village at the upper end of the settlement. On the door of the store is the following notice: "Parties contemplating going out this season take notice that no provisions of any kind can be obtained here, except, possibly, a little moose meat, and dog salmon in small quantities for dog feed. No freight steamer has been here for two years. No flour can be had." Inside the shelves are barren, and the trader appeals to everyone coming down the river for a little flour and sugar. All the Indians, and even the post trader, have a lean and hungry look, and there is a world of pathos in the simple remark of the latter, "I don't know how we are going to get through the winter." A register is kept at the store of those passing down the river. There are 1,876 names on the register to-day, and about 500 have been counted who passed without landing, making a total of about 2,400 who have gone to the new gold fields by this route during the present season. Met three or four polers from the Klondike here, on their way to Dyea. One of them, a miner, who has been eight days in making the 160 miles from Dawson, displayed drafts amounting to \$32,000, the result of eight months' work. States that he would have spent the winter on his claim, but that he was obliged to get out on account of the scarcity of provisions, leaving his partner in charge with their scanty stores. Jack Dalton has sixty-four head of cattle here, and Cameron, Franklin & Heaney have sixty head. Waiting for cold weather before butchering, and will then take beef to Dawson on rafts. They are selling beef for 50 cents per pound by the quarter. There are thousands of acres of good grazing land in this vicinity. Old Fort Selkirk, which was located across the river, two or three miles above the present post, was burned by the Indians in 1852, and the ruins of the chimneys can still be seen. It was one of the principal posts of the Hudson Bay Company in this region. Remained
t at the trading post.

September 16.—Broke camp at 6 a. m. We are now in the Yukon proper. It is about half a mile wide and very deep, with current of four miles an hour. Three miles below Fort Selkirk passed a flock of 600 sheep, which are grazing on the lowlands on the west bank of the river. Rafts are now being constructed for their transportation below. Owner hailed our boat and offered \$15 a day and board to two men to assist him. Boys all declined, as they are seeking gold in the abstract rather than the concrete. On the east side of the river, extending for eight miles below the mouth of the Pelly, is a basaltic plateau, supposed to have come from a volcano twenty or thirty miles up the Pelly. It has a perpendicular front, five or six hundred feet in height, and is known as the Upper Ramparts. Passed several parties getting out logs for building purposes. Camped for the night at 5.30, about fifty miles below Fort Selkirk.

September 17.—Left camp at 7.15 a. m. Weather still delightfully bright and pleasant. Passed the mouth of White River at 12.30. White River, which comes into the Yukon from the west about ninety miles below Fort Selkirk, is a large stream, having a very swift current, and discharging into the Yukon an immense volume of water containing a white substance, supposed to be volcanic ash, that discolors the main stream for a long distance. Below the White River the Yukon breaks up into numerous channels, and there are many islands and sandbars. Looks here like the Missouri between Atchison and Leavenworth. Reached the mouth of Stewart River, ten miles below White River, at 3.10. Stewart River flows into the Yukon from the east, and is a broad, sluggish stream at its mouth. Quite a number of people from upriver have stopped here to get out house logs, as it is reported that they are selling for \$300 a set in Dawson and are hard to find lower down. Several prospectors here, just returned from the Stewart River country. They report that nothing has been struck during the season on that stream or its tributaries. Mail carrier was evidently misinformed or unreliable. The *Koukuk*, a 10-ton stern-wheel steamboat, is tied up here. She has been three days in coming from Dawson, about seventy miles below. Has a half ton of flour and other provisions for Fort Selkirk, and the captain expects to reach that point in a week. If the *Koukuk* is a representative type of the Yukon steamboat, it would take no prophet to predict a famine. Captain offered \$10 a day and board for men to make the trip to Fort Selkirk and return, but could find no one willing to work on those terms. He draws a gloomy picture of affairs at Dawson, stating that there have been no new strikes and that the country is filling up with people half provided with food supplies. Camped at 6 o'clock on the east bank of the river, about six miles below the mouth of the Stewart.

September 22.—Left camp at 8.15 a. m. Party has been getting out house logs for the past four days. Reached Sixty Mile Post, twenty-one miles below Stewart River, at 10.30, and stopped for a few minutes. The post is on the east side of the river, opposite the mouth of Sixty

Mile River, which comes into the Yukon from the west. There are some good placer creeks on the head of Sixty Mile, and about one hundred miners have been accustomed to winter here. Harper & Ladue own the trading post, which is now deserted on account of the Klondike excitement, being in charge of an Indian. The sawmill, which was formerly located here, is now in operation at Dawson. There is a fine vegetable garden here, and large cabbages have been raised during the season, while about 150 bushels of potatoes were raised and found a ready sale at Dawson for \$1 per pound. Camped for the night at 6 o'clock, about thirty miles below Sixty Mile.

September 23.—Left camp at 8 a. m., and arrived in Dawson at 11 a. m. Landed at the upper end of town, which is located in a swamp and oppressively crude.

THE KLONDIKE.

The Klondike River enters the Yukon from the southeast, six miles above old Fort Reliance. It is about 150 miles long, and has its source in a high range of mountains which separates it from the Stewart River and its tributaries. At its mouth an island divides the stream into two nearly equal channels, each of which is about 150 feet wide and four or five feet deep, at a medium stage of water. The stream is very swift, and rapids occur at frequent intervals, making it exceedingly difficult to navigate with canoes. Its waters are clear and shallow. It has been known for many years as one of the best streams in the country for salmon fishing, and during the season large numbers of Indians camp on its shores for the purpose of catching and drying salmon. For several years gold has been known to exist on the main stream, but it has never been found there in sufficient quantities to justify working under present conditions as to cost of supplies.

The original discovery of gold in paying quantities in the Klondike district was made by George W. Cormack, who came to the Yukon country twelve years ago from Wisconsin, and who had been engaged in prospecting and in trading with the Indians and miners at various points on the river. On June 22, 1896, Cormack and Loren Cooper left Forty Mile for the mouth of the Klondike. It was Cormack's intention to spend the summer in fishing on the Klondike, while Cooper proposed to develop two quartz leads situated just below the mouth of that stream on the west side of the Yukon, and directly opposite the present site of Dawson. They were thus engaged in the early part of August, when Robert Henderson, an oldtime prospector, came down the Klondike and told Cormack that he had found on the headwaters of Gold Bottom Creek some ground that would pay 15 cents to the pan.

Cormack accompanied Henderson to Gold Bottom, but not being favorably impressed with the prospects, returned alone to the mouth of the Klondike, coming down the creek now known as Bonanza. On

his way back he prospected on various tributaries of Bonanza, and on the main creek itself, and, finally, at a point about twelve miles above the mouth, he found gold in sufficient quantities to justify him in locating, and on August 17, 1896, he staked two claims, as he was allowed to do under the law—one now known as "Discovery" and the other as "No. 1 below Discovery"—and gave to the creek the name it now bears. From Discovery down to the mouth of the creek he found fair prospects at various points on the bars and in the rims, panning out altogether \$5 or \$6 in coarse gold, the largest nugget weighing \$1.10. Cormack informed Cooper and others of his discovery, and left on August 19 for Forty Mile for the purpose of recording his claims, which he did on August 26, 1896. Cooper, Edward Monahan, and Gregg Stewart staked on the 19th, locating the claims now known as 27, 28, and 29 below Discovery. William Stanton, on the 21st, staked what is now known as 13 below. In the meantime the news of the discovery had spread to Indian Creek, which flows into the Yukon from the eastward thirty miles above the Klondike, and fifteen or twenty men who were prospecting there left at once for the new diggings, while quite a number of men who were coming down the river in small boats were informed of the discovery and stopped to make locations. Three or four days after Cormack's arrival at Forty Mile a large number of men came up from that place in poling boats, and by September 1 there were 150 or 200 men on Bonanza and its tributaries seeking claims. By September 13 Bonanza had been staked to 45 above and 90 below Discovery, and as nothing of value could be found above or below those numbers many men were forced to prospect on other creeks. On the date named a discovery was made at the mouth of the gulch now known as Eldorado Creek, which comes into Bonanza from the south about a mile above Discovery, and in three or four days Eldorado was staked to 32. This creek, which was staked because there was no other ground in the immediate vicinity to be had, and which was not supposed to contain anything of special value, has proved to be far richer, though less extensive, than Bonanza, and is probably the richest creek, mile for mile, ever discovered in the world. In October about twenty men came up from Circle City on the steamer *Arctic*, and by April 1, 1897, some 800 had come up from that place, making the population of the Klondike district at the last-named date about 1,500. All who came into the district during the winter were compelled to bring their own supplies, as no freight was landed there by the commercial companies until early in the following June. A large proportion of the miners and prospectors lived in tents, only about thirty cabins being built on the gulches during the winter.

Up to November 3, 1896, no great strike had been made on either creek, but on that date rich ground was opened up on 21 above Discovery, on Bonanza. The first pan taken out immediately below the muck yielded 35 cents, and the next seven fires gave an average of \$3.35 to the pan. From this strike dates the "boom" on the Klondike. At that time

Eldorado had shown no large prospects, but a few days later very rich ground was opened up on 14 and 15, as high as \$18 being taken from a single pan. During the same month a big strike was made on 6, which yielded as high as \$22 to the pan.

On Hunker Creek gold was discovered in September, 1896. This creek has developed some good properties, and in October, one month later, claims there were worth more than on Bonanza and Eldorado.

During the early part of the winter but little work was done on the gulches beyond the sinking of prospect shafts by the claim owners themselves, as it was impossible to induce men to work for wages. Every man who had an outfit believed that he could do better by taking his chances of finding a good claim than by working for the wages offered (\$15 a day), and a large number of men spent the fall and the early part of the winter in prospecting the tributaries of the Klondike and Indian rivers and numerous gulches along Bonanza and Eldorado creeks. By the middle of January (1897) many of these prospectors had become discouraged through failure to find good claims and took "lays" (a) on Bonanza and Eldorado, and later a large number accepted employment for wages, principally on Eldorado. Drifting was prosecuted vigorously until the water began to run in the creeks, about May 7, when the work of shoveling the dumps into the sluice boxes was begun. Most of the dumps were exhausted within thirty days and many marvelous clean-ups made. On some claims the gold filled the riffles so rapidly that it was necessary, in order to save the gold, to clean up as often as twice a day. On 2 Eldorado, with four men shoveling in, \$6,500 was taken out in one day. By the first week in June the winter's work was practically closed, and five months' active mining operations, conducted by a force of about 600 men, had produced an amount of gold which is conservatively estimated at \$2,000,000. Work was continued through the summer on most of the claims, ground sluicing and shoveling in being actively engaged in on Bonanza until the creek froze up in the latter part of September, and on Eldorado until the latter part of August, when the water got too low to furnish a sluice head. The output for the summer brought the total product for the season up to about \$3,000,000. Much "dead work" was done, consisting of removing the trees, stumps, moss, and muck, and in ground sluicing and otherwise getting ready for active operations the following season.

On September 30, 1897, Bonanza Creek had been staked above and below Discovery for a total distance of about twenty miles, while Eldorado Creek had been staked for a distance of about eight and a half miles, both being located for almost their entire length. These are all

a "Lay" is the term used by the miners to designate ground worked on shares. A lay usually consists of a strip fifty or one hundred feet in width, intersecting the general course of the stream at right angles and extending clear across the claim. The usual terms are an equal division of the output, the lessor paying all expenses of operation.

creek claims, 500 feet long, as a rule, measured in the direction of the general course of the stream, and extending in width from base to base of the hill or bench on each side. In making their original locations prospectors who were not provided with tapelines stepped off the distance and set their stakes at what they considered the limits of their ground. When the Government survey was made it was often found that more ground was claimed than the locators were entitled to, and thus "fractions" were created. There are quite a number of these on the various creeks, and some of them have proved very rich. At the above date there were also fifty bench claims on Bonanza and forty on Eldorado. The bench claims are 100 feet square and can not extend below the "base of the hill or bench." The Canadian mining regulations are not clear as to the line of demarcation between creek and bench claims, and as a consequence some dispute has arisen as to where the creek claims cease and the bench claims begin; but these disputes are generally amicably settled between the parties themselves.

The method of placer mining pursued in the Klondike district is somewhat different from that which prevails in the United States. The ground, which is covered with moss to a depth of from twelve to eighteen inches, is frozen solid from just below the moss to bed rock, which is generally struck at a depth of ten or fifteen feet, although in many places it is twenty-five or thirty feet below the surface. The heat of the sun, even in the hottest days of summer, when the thermometer registers 100 degrees in the shade, has no effect on the frozen ground until the moss is removed. Beneath the moss there is a deposit of decayed vegetation called by the miners "muck," which varies from two to twenty feet in depth.

Where the ground is very deep it is found more economical to sink a shaft to bed rock and take out the pay gravel by means of a windlass. This is called "drifting," and in many claims this can be done successfully only in the winter time, after the stream is frozen solid, as in the summer time the inflow of surface water and seepage from the creeks make it impossible to pursue this method. After stripping off the moss, the miner starts a shaft about three and a half by six feet, picking through the muck until the gravel is reached. He is then obliged to resort to "burning," as the best pick does not hold its point five minutes when used in the frozen gravel. A fire of cord wood is built on the bottom of the shaft, which thaws the gravel to a depth of about two feet. This thawed gravel is then shoveled out or hoisted by means of a windlass, and the process repeated until bed rock is reached. At this stage the "drifting" proper begins. Dry wood is piled against the wall of the shaft to nearly the height of the pay gravel and covered with sticks of green cord wood arranged with one end resting on the bottom of the shaft and the other leaning against the wall at an angle of 45 degrees. The green wood so placed is called "lagging," and serves the double purpose of confining the fire and catching the waste

dirt from above. At bedtime the fire is started and the miner retires for the night. During the night the heat causes the wall to cave, and the gravel which slides down over the lagging produces a smouldering fire, which burns till morning and thaws the face of the gravel to a depth of two feet or more. In the morning the miner enters the shaft, throws back the waste dirt and charred wood, and hoists the pay gravel to the surface. This process is repeated daily, the miner panning after each fire to see if he is still on the pay streak. As the work progresses the drift gradually widens out until a width of about thirty feet is attained, and is then carried forward at a uniform width. On account of the gas produced by the burning wood, ventilation is necessary, and this is secured by sinking a second shaft at a distance of twenty or thirty feet from the first and connecting them as quickly as possible. On account of the frozen condition of the ground, timbering is unnecessary, but the expense thus saved is more than counterbalanced by the consumption of firewood in burning. On many of the claims on Bonanza and Eldorado the wood has been cut off to the top of the range on either side, and within a year or two wood will have to be brought from a distance, which will greatly increase its cost. In the spring the dump taken from the drifts is shoveled into sluice boxes and the gold thus separated from the gravel.

In the shallower claims ground sluicing is resorted to during the summer months. When the pay streak has been located the moss is stripped off, a trench is dug parallel with the creek along the pay streak, and the water from the creek is turned into the head of the trench by means of a wing dam. The action of the water in passing through the trench undermines the banks and washes the muck and much of the gravel into the bed of the creek below, the coarse gold in the gravel thus carried away being left in the bottom of the trench. After the trench has been washed out to a sufficient width a line of sluice boxes is set through the center of the trench, a head of water turned on, and the gravel shoveled in from either side. The sluice boxes are given enough fall to carry the gravel and sand through the boxes into the "tailings" pit below, the gold dropping to the bottom and lodging in the riffles, which consist of longitudinal strips arranged about an inch apart and having cross strips at frequent intervals. Some of the ground, especially on Eldorado, is so shallow that it is found profitable, after removing the moss, to shovel it all into the sluice boxes, thus avoiding the expense and delay of drifting and ground sluicing.

The following details relative to the output of the claims on Bonanza and Eldorado, the number of men employed, wages, etc., present a fairly accurate idea of the value and productiveness of the mines:

BONANZA CREEK.

Discovery and 1 below were well opened up last winter (1896-97), and a pay streak from 30 to 100 feet wide was located. The ground yields

from \$2,000 to \$2,500 to the box length (*a*), and \$40,000 was cleaned up in May as the result of the season's work, eight men being employed.

All the claims from 2 to 10 below run about the same as Discovery and 1 below, there being very rich spots on 3, as high as \$3,000 to the box length having been taken out last spring. About ten men were employed for wages on these claims.

From 10 to 20 below, the ground is very rich, producing in places \$4,000 to the box length, and the pay streak is 600 feet wide on several of the claims, having been located for a width of 700 feet on 16, with fair pay all the way across.

From 20 to 30 below, the pay streak is very wide, and the ground runs \$2,500 to the box length.

In the 30's very little has been done, the output not amounting to over \$10,000, probably. As high as \$2,000 to the box length has been taken out, and the claims promise large returns.

The 40's run about the same as the 30's, but very little work has been done.

From 50 to 59 the ground yields from \$1,500 to \$2,000 to the box length. In places the pay streak is 600 feet wide, and the yield is likely to be large. No. 51 produced \$50,000 or \$60,000 during the summer, ground sluicing, employing twelve men.

In the 60's good pay was taken out last winter. No. 60 was bought for \$10,000, and afterwards a half interest was sold for \$10,000, the seller reserving the dump and washing out \$4,500 therefrom. The ground ran about \$2,000 to the box length.

The claims above Discovery run about the same as those below. From 1 to 18 above the ground runs about \$2,000 to the box length. No. 5 produced \$49,000 during the season, two box lengths yielding \$16,000. A half interest in this claim was sold last October for \$35,000 cash. Some sixty-five men were employed on 5 at one time during the summer.

No. 21 above is one of the best claims on Bonanza, running as high as \$4,000 to the box length. The first rich strike on Bonanza was made on this claim.

From 21 to 26 above very little has been done.

On 26 some big clean-ups were made, over \$100,000 having been taken out last summer by ground sluicing. A half interest in this claim was bought last winter for \$40,000, including a half interest in 18 above and a quarter interest in 34 Eldorado.

No. 27 sold for \$55,000 last spring, the purchaser taking out enough in two months to pay for the claim. The entire output for the season

^a The sluice boxes in use in the Klondike district are constructed of inch lumber, and are twelve feet long and twelve inches deep, being twelve inches wide at one end and ten inches wide at the other, so as to fit into one another. In running a string of sluices the gravel is shoveled in from either side to a width of six or seven feet, making a cut about fourteen feet wide. A box length, therefore, is a superficial area twelve by fourteen feet, or 168 square feet.

was \$75,000. No. 28 belongs to the same parties as 27 and is equally rich.

No. 29 has turned out from \$3,000 to \$4,000 to the box length.

No. 36 has been very productive, and 37 produced last winter between \$45,000 and \$50,000.

No. 38 has turned out very well, as high as \$3,000 to the box length, and yielded about \$20,000 as the result of the season's work.

From 39 to 44 the ground is good, 41 having produced \$20,000 the past season. Very little has been accomplished above 44. In the 50's there has been considerable prospecting, but nothing has been found to justify working at the present rate of wages and cost of supplies.

The bench claims on Bonanza from the mouth of Eldorado, which comes in about a mile above Discovery, to 60 below have shown up well, some of them being very rich. From a bench claim at the mouth of Skookum Gulch, which enters Bonanza about half a mile below Eldorado and nearly parallel with the latter stream, one man washed out \$500 a day with a rocker for a short time during the past summer. Along the upper end of 6 below three or four of the bench claims are very rich, one man having rocked out \$10,000 last summer. He was offered \$10,000 for his claim when he ceased work, but refused the offer. Between Eldorado Creek and Skookum Gulch there is a divide two or three hundred feet high, and pay has been found all the way to the top on both slopes. On the summit washed gravel is found, producing \$1 to the pan in coarse gold. The deposit has all the characteristics of an ancient river bed, and has been traced along the ridge for several miles. It is supposed to extend around the head of Eldorado and over to the head of Dominion Creek, where very rich ground was discovered during the past fall. There are many evidences that the wash which produced the present rich deposits of gold in the Klondike district came from this ancient river bed.

All sales so far reported on Bonanza have been made between miners, the money for the payments being borrowed by them from one another. The largest price that has been paid for a single claim on Bonanza is \$55,000. No. 7 above was originally purchased for \$7,000, and a quarter interest was afterwards sold for the same amount, or at the rate of \$28,000 for the claim. A half interest in 6 above was sold for \$10,000 early last spring. Many other sales are reported, but these are typical.

ELDORADO CREEK.

The fraction at the mouth of Eldorado is very rich, the dump taken out during the winter having produced \$25,000. Five men were employed in making this output.

No. 1 produced \$19,000 as the result of the winter's drifting. The work was begun in February, four men being employed. The claim produced \$30,000 during the summer, employing fourteen men.

Fourteen men, drifting from February to May on 2 Eldorado, took out a dump which yielded \$100,000. Four men working on a lay on the same claim took out \$49,000, being employed from January 27 to May 1, and two other men working on a lay produced \$32,000, being employed about the same length of time.

Nothing has yet been found on 3, although it is supposed to be rich.

From the fraction of 140 feet between 3 and 4 about \$4,000 was taken out, two men being employed on a lay. The claim sold for \$14,000 last February.

No prospecting has been done on 4, but it is probably as rich as the claims immediately above and below.

The upper part of 5 and the lower part of 6 produced about \$130,000, the result of drifting last winter, sixteen or eighteen men being employed, beginning work late in February. During the summer \$50,000 was taken out, twelve men being employed. The pay streak is fully 300 feet wide here, extending clear across the gulch.

On 7 five men were employed for a short time, and they took out \$31,000 in four box lengths.

The pay streak is 300 feet wide on 8, and with fifteen men working produced \$100,000.

No. 9 is very rich, and produced between \$70,000 and \$100,000 from two holes, employing nine men. Some very large pans were taken out of this ground, as high as \$212 being reported. From three buckets of gravel (fifteen pans) \$1,500 was secured.

No. 10, a half interest in which was sold last winter for \$15,000, yielded \$20,000 as the result of drifting last winter, and \$30,000 was taken out during the summer, three men being employed.

A clean-up of \$26,000 was made on 11, and from two cuts \$60,000 was taken out by five men. The pay streak is wide here.

No. 12 produced about \$35,000. This ground is very rich. A great deal of dead work was done on it during the summer in preparation for this season's work.

No. 13 has been very productive, probably \$100,000 having been taken out, with six men employed.

Nos. 14 and 15 produced about \$120,000, drifting, with two or three men employed.

Six men, drifting, took out \$80,000 on 16.

No. 17 has shown good results, having produced nearly \$100,000. Work was begun in February, nine men being employed.

From 18 to 23 not much has been accomplished, although all the claims show good prospects.

No. 23 was bought for \$25,000 last winter, and the purchaser, working six men, took out enough in two months to pay for the claim.

No. 25 has produced about \$30,000, employing five men drifting from February 1 to April 10. Eight box lengths yielded an average of \$2,000 to the box length.

Very little work has been done on 26, although the prospects are good.

From two small dumps on 27 about \$30,000 was taken out, with three men employed.

The fraction of fifty-five feet between 27 and 28 yielded from a small dump between \$6,000 and \$8,000, with three men employed.

Nothing has been accomplished on 28, although it prospects well.

Last summer \$38,000 was taken out of thirty-eight lineal feet on 29, six men being employed. The owner was offered \$120,000 for 120 feet on the upper end, but he refused the offer.

No. 30 is the great claim of Eldorado. It has produced as high as \$20,000 to the box length. About \$150,000 was taken out of two cuts—twelve box lengths in all, or about \$70 to the square foot. The pay streak is forty feet wide. At one time during the spring the owner could go into the workings and take out a pan of dirt from bed rock and get from \$800 to \$1,000 to the pan. Six men were employed on 30 during the winter, drifting, and about thirty men were employed during the summer.

There is a small fraction between 30 and 31, which has yielded about \$30,000. The best pay is found under the banks along here.

The original locator of 31 sold it for \$80, and it was afterwards sold for \$31,000, one of the first big sales made in the district. Eight men were employed on the claim from April until just a little while before the close of the season, when the water became so low that they had to cease work. They uncovered some very rich ground, and it is thought that 31 will prove to be one of the best claims on the creek.

On 32 big prospects have been found, but not much work has been done.

Up to September 29, 1897, nothing had been found on 33, but on that date a strike was made which yielded \$10 to the pan, and the claim promises to be very productive.

No. 34 shows good prospects, but no rich ground has been struck. About nine men were employed on the claim during the summer.

Nothing has been done on 35.

Six men were employed on 36 during the winter, drifting, and from \$4,000 to \$5,000 to the box length was taken out. Some work was done during the summer, and the claim has yielded between \$40,000 and \$50,000. The largest nugget as yet found on the Yukon was taken from 36. It weighed about 34½ ounces and was valued at \$583.

No. 37 shows up about the same as 36, and will probably prove as productive.

The claims on Eldorado above 37 have not shown any very promising prospects at the present writing.

The bench claims on Eldorado were not worked to any extent last winter, and it was difficult to prospect them during the summer on account of the inflow of surface water. But they will be thoroughly

prospected this winter, and it is probable that they will prove very rich, as gold has been found in paying quantities wherever a shaft has been sunk to bed rock.

October 1, 1897, eighteen creeks had been located in the Yukon district of Canada. The following table shows the names of the creeks, the number of claims above and below Discovery, the number of bench claims, and the mining districts in which the creeks are located:

NAMES OF CREEKS, WITH NUMBER OF RECORDED CLAIMS, IN THE YUKON DISTRICT OF CANADA, OCTOBER 1, 1897.

Name of creek.	Above Discovery.	Below Discovery.	Bench.	Mining district.
Last Chance.....	41	7	.....	Klondike.
Bonanza.....	115	68	.....	Do.
Bear.....	24	26	.....	Do.
Eldorado.....	90	.....	40	Do.
Hunker.....	50	87	1	Do.
Victoria.....	20	.....	.....	Do.
French.....	41	.....	.....	Do.
Isaac, or Chief.....	10	.....	.....	Do.
Skookum.....	13	.....	30	Do.
All Gold.....	12	52	.....	Do.
Sulphur.....	72	68	.....	Indian Creek.
Dominion.....	50	75	.....	Do.
Eureka.....	36	35	.....	Do.
Montana.....	35	8	.....	Montana Creek.
Moose Hide.....	38	5	.....	Moose Hide.
Bryant.....	35	11	.....	Bryant Creek.
Deadwood.....	37	28	.....	Deadwood Gulch.
Henderson.....	43	34	.....	Henderson Creek.

In explanation of this table it should be stated that the Canadian mining regulations differ somewhat from the mining laws of the United States in the definition of a "mining district" (or "locality"). Under our laws and local regulations a separate mining district may be established on every creek where a discovery is made; whereas under the Canadian mining regulations, "locality" shall mean the territory along a river (tributary of the Yukon) and its affluents. To illustrate: The Birch Creek district, in Alaska, consists of eighteen or twenty separate mining districts, each having its recorder and records, while the Klondike mining district (or locality) embraces the Klondike River and all of its tributaries, and is subject to the authority of a single official, the gold commissioner, who has jurisdiction over the Yukon district of Canada.

Some complaint is heard of the Canadian mining regulations (a) in force in the Yukon district, but it must be said in their behalf that in one respect they are considered more favorable than our own laws to the poor man seeking a claim for the purpose of working it. Under the Canadian law a prospector can locate but one claim in a district (or locality), and as he is required when he records to certify under oath that he has found gold in paying quantities, the effect is to prevent the

a A pamphlet giving the regulations governing placer mining in the Yukon district of Canada may be had free upon application to J. A. Smart, Esq., Deputy Minister of the Interior, Ottawa, Ontario, Canada.

location of creeks before they are properly prospected. This is certainly a provision that gives all a fair chance. Under the United States law (a) a prospector can locate any number of claims in a district, if he so desires, provided he is not prohibited from doing so by local mining regulations. It may be added, however, in this connection that in order to hold the possessory right to a location not less than one hundred dollars' worth of labor must be performed or improvements made thereon annually until entry shall have been made.

No remarkable discoveries have been made in the Yukon district aside from those on Bonanza and Eldorado, detailed above.

Skookum Gulch, which enters Bonanza from the south half a mile below Eldorado, is staked to 13 above its mouth, where the original discovery was made, and contains thirty bench claims, some of which are very rich. The creek claim at the mouth of Skookum Gulch was staked last March and was sold shortly afterwards for \$35,000. The purchasers cleaned up \$37,000 during the summer and then sold a half interest for \$35,000. Nothing noteworthy has been accomplished farther up on Skookum, but the ground prospects well and will undoubtedly prove rich, as it drains the western slope of the divide, containing the ancient river bed previously referred to.

French Gulch, a tributary of Eldorado, has not been developed to any extent, although \$5 to the pan has been secured from a fractional claim at its mouth.

Bear Creek, a tributary of the Klondike, contains fifty creek claims, some of which prospect well. One claim which was worked last winter yielded from \$1,500 to \$2,000 to the box length.

Hunker Creek, which flows into the Klondike from the south a few miles above the mouth of Bonanza, has 137 creek claims and one bench claim, and is reported to contain much good property.

No promising prospects have been found on any of the other tributaries of the Klondike. It is a remarkable fact that all the gold-bearing creeks thus far discovered on the Klondike come into that stream from the south, and the same statement is true of Bonanza and Eldorado.

Several creeks have been located outside of the Klondike district, as indicated in the foregoing table, but no noteworthy developments have been made. Dominion Creek, a tributary of Indian River, has shown some very fine prospects, and as it heads just across the divide from the head waters of Eldorado, it is thought that it may prove productive.

Late reports from Henderson Creek, which enters the Yukon from the east just below Stewart River, indicate that good ground has been found there, 35 cents to the pan having been obtained on the benches. It was impossible during the summer to reach bed rock near

^a A pamphlet giving the United States mining laws, and regulations thereunder, may be had free upon application to the Commissioner of the General Land Office, Washington, D. C.

the creek on account of the water, but it is probable that good pay will be found there during the winter.

In the short time available it was impossible to interview all the claim owners on Bonanza and Eldorado. The amounts given above as the output of the various claims designated aggregate nearly \$2,000,000, and as most of the claims for which the output is not given (some 125 in number) produced from \$1,000 to \$10,000 each, it is safe to say, as before stated, that the mines of the Klondike district yielded during the season of 1896-97 nearly \$3,000,000—a most extraordinary figure, when it is considered that the period of active operations on most of the claims was less than eight months and that probably less than 600 men were engaged in productive mining operations. The claims on Bonanza were worked almost entirely by the claim owners themselves and by miners who took lays on the claims, and it is probable that not over 100 men were working for wages on the creek at any one time. The claims on Eldorado were worked principally by the claim owners personally and by miners employed by the day, the owners being averse, on account of the extraordinary richness of the ground, to letting it out on lays. The best obtainable data place the number of men working for wages on Eldorado at any one time at 300, and it is probable that one-half of this number would represent the average for the eight-month period of active operations. There is no doubt that the output would have been doubled if it had been possible to secure miners, but, as intimated elsewhere, a man who was supplied with provisions could not be induced to work for wages, and those who did accept employment worked only long enough to earn a “grub stake,” when they ceased work and went into the hills to prospect.

While the output appears large, it should be borne in mind that the expenses of operation are enormous. Sluice-box lumber costs \$150 a thousand feet in Dawson, and the rate for packing to 36 Eldorado, a distance of sixteen miles, is \$80 a thousand, and proportionately more for greater distances. In the summer it costs 35 cents a pound to pack provisions from Dawson to 36 Eldorado, the winter rate being 8 cents a pound.

The summer trail from Dawson to the mines is a mere footpath, which winds its way over a steep mountain for a distance of two and a half miles, where it strikes the Klondike, which is crossed by means of a ferry and then traverses the valley of Bonanza Creek for two or three miles farther. It then alternately ascends and descends benches from one to three hundred feet high and meanders through the valley. Where the trail keeps to the bottom lands one sinks to the knee in the muck at nearly every step, while it is necessary constantly to be on the alert to avoid a bad stumble over the roots, which protrude from the ground and cross the pathway in every direction. Rubber boots are indispensable but their weight adds to the discomfort of the journey. When the trail leaves the bogs and ascends the hillside, some relief is

experienced so far as the muck is concerned, but the roots are still there, supplemented by smooth boulders, on which one is apt to slip and fall, while the exertion required to climb the steep incline tries the stamina of the strongest man. The unhappy traveler's misery is accentuated to the verge of distraction by myriads of mosquitoes, probably the most energetic and vindictive of their kind thus far discovered on this continent. After a journey over the Bonanza trail the mind reverts to the struggle over Chilkoot Pass as a mere pleasure jaunt and to the soul-harrowing experiences on the Skagway trail as a summer outing. In passing down the trail men are met at frequent intervals carrying from 100 to 150 pounds on their backs and one falls to wondering why, instead of packing for 35 cents a pound, they do not strike for \$1. Horses and dogs are also used for packing, a good horse carrying 200 pounds and a dog from 35 to 50 pounds. In the winter, after the creeks and the Klondike freeze over, provisions are freighted to the mines by means of sleds, drawn by horses, dogs, or men, and the rate is about one-fourth that for summer packing. These rates, added to the excessive prices paid for supplies in Dawson, make the cost of living and the expense of operating the mines enormous.

If a visitor to the gulches prefers to ride, he can secure a saddle-horse in Dawson for \$60 a day.

During the past summer thirty or forty well-constructed log buildings were erected on the north side of Bonanza, opposite the mouth of Eldorado, the place being known as The Forks. The location is on bench land, with good drainage and a charming outlook. If provisions could have been obtained, there is no doubt it would have become a prosperous and growing town during the present season. The Forks must, in the nature of things, become an important point for the distribution of supplies, as it is in the heart of the gold-bearing zone of the Klondike district.

The question as to whether or not the mines of the Klondike district offer a safe and profitable field for the investment of capital is one to which many capitalists will have a satisfactory answer, through the medium of their experts on the ground, long before this report reaches the public, and therefore the facts here given will probably be of no value to them; but to men of small means seeking business opportunities, and to workingmen allured by the promise of large wages, it is hoped that the information contained in this and the succeeding section may furnish a basis for correct conclusions as to whether it is wise for them to venture into this country under present conditions.

With special reference to employment for wages in the mines, it should be stated, first of all, that the term "\$15 a day" is misleading if unaccompanied by the explanation that payment for labor in the gulches is based on the unit of \$1.50 per hour, and that at best employment is uncertain in the extreme, both on account of the climatic conditions and the difficulty of procuring supplies. During the summer months full time can generally be made, but the working season seldom exceeds

seventy days. There is then a closed season of two or three months before drifting begins, the usual time for commencing winter work being about December 1. From that date to February 1 there is an average of but six hours of daylight, while the temperature frequently drops to 60 or 70 degrees below zero, rendering it difficult, if not impossible, to get in full time, the average time made during those months not exceeding six hours a day. Diligent inquiry among scores of miners who worked for wages during the past season failed to discover one who had made full time for 150 days, the average probably falling below rather than above 100 days. The cost of a year's outfit at the prices charged in the stores would be about \$600, but if the stores are unable to supply a full outfit, as was the case last summer and has been the case nearly every year since the first settlement of the country, the miner is obliged to purchase from speculators and small traders sufficient supplies to make up the deficiency, at prices which bring the cost of his year's outfit to a figure more nearly represented by \$1,000 than the first sum named. This enormous cost of living leaves the miner with little or no means after the purchase of his outfit to devote to other purposes. To support a family under such conditions is out of the question, and the only opportunity a miner has to better his condition is to work just long enough to pay for a "grub stake" and then go into the hills and prospect. If he makes a successful strike, he is prepared to pay the exorbitant prices charged for supplies, and can work his mine; if he fails, he may again go to work for wages or go out of the country and bring in an outfit over the trail, an alternative frequently chosen.

Even under the hard conditions prevailing during the past fall concerted action was taken to reduce wages from \$1.50 to \$1 per hour. On September 23 certain mine owners met in Dawson and adopted a resolution reducing wages to \$1 per hour from October 1. The wage-workers met at The Forks on September 26 and adopted a counter resolution, declaring that wages would be kept at \$1.50 per hour. If it had not been for the food panic, which is fully described under the head of Dawson, it is probable that the question would have come to an issue October 1, and with a large number of unemployed men in the country there is no doubt as to what the result would have been; but on account of the scarcity of provisions, supplemented by the fact that the only workmen in the country even partially supplied were those already employed, the mine owners were forced, for the time being, to recede from their position. Many of the owners claim that it is impossible to operate their mines at a profit with wages at the present figure, and they are either working them in a very small way this winter or letting them lie idle, waiting for the reduction of wages which must inevitably come with an increase in the food supply.

It has been very difficult to secure any trustworthy estimates as to the probable output of the mines during the present season (1897-98). **Many enthusiastic mine owners predict that it will reach \$15,000,000,**

but the more conservative place it at from \$8,000,000 to \$10,000,000. The latest information received (December 15, 1897) indicates that there are about 1,500 men engaged in mining on Bonanza and Eldorado, and as many more on other creeks in the Klondike district, a number that would probably have been doubled had it not been for the shortage of supplies. Up to December 15 no new developments had occurred in the district to change the opinion of those best informed that no creeks will be found to equal Bonanza and Eldorado in richness. In speaking of this subject an old practical miner says:

"Whatever may have been the cause that concentrated the gold in the two great creeks, it would seem that they have become rich at the expense of a vast tract of country which must, of necessity, be poor. Nor is there anything unnatural or unlikely in this. That it is so with the Klondike gold field has now become quite evident, and all the rich strikes that will ever be heard of from this part of the country have already been reported."

DAWSON.

About the 1st of September, 1896, Joseph Ladue, of the firm of Harper & Ladue, the owners of a trading post and sawmill at Sixty Mile, came down from that place and located the town site of the present town of Dawson, selecting a level plot of ground on the east bank of the Yukon just below the mouth of the Klondike, and fifty-five miles east of the boundary line between Alaska and Northwest Territory. The sawmill was brought down from Sixty Mile and set up on the river front about a mile below the Klondike. Ladue erected the first house in Dawson, and had a small stock of goods transferred from the trading post at Sixty Mile. His supply of provisions, however, was inadequate to meet the demand, and many of the prospectors were obliged to go to Forty Mile and Circle City to procure outfits for the winter. The sawmill was put into operation at once, and has turned out about 2,000,000 feet of product, supplying the mines with sluice-box lumber and the town and vicinity with building material. But little building was done during the winter, the cold weather making such work impossible, but men were engaged in getting out logs for the construction of houses in the spring. On the 1st of January, 1897, there were only three or four houses in the town and but few men passed the winter there. As stated elsewhere, some 1,500 came into the district during the winter, but with few exceptions they passed up the Klondike and remained in the gulches till spring. By midwinter it was generally recognized that an extraordinary strike had been made, and as it was evident that Dawson would become the distributing point for the mines, there was an active demand for town lots. By the 1st of June eight or nine buildings had been erected on the river front, and there was a population of five or six hundred in the town, living principally in tents. There were three gambling houses and saloons, all

doing a big business, one taking in an average of \$1,000 a day over the bar, and many games of faro, roulette, etc., were running day and night. Numerous big clean-ups had been made in the gulches, and the town was flooded with gold dust, it being no uncommon thing to see a miner enter a saloon with a sack containing \$3,000 or \$4,000 in dust and leave it with the barkeeper, while he proceeded to "see the town," the sight usually proving so expensive that he had but a small balance to his credit at the bar when final settlement was made.

On June 2, 1897, the steamer *Bella*, belonging to the Alaska Commercial Company, reached Dawson, being the first boat to get up the river. She had wintered at Fort Yukon, and brought from that point and Circle City about 450 tons of freight, with 225 passengers from the latter place. The representatives of the Alaska Commercial Company immediately opened up for business in the small cabin formerly occupied by Ladue, taking in about \$6,000 as the result of the first day's sales, and at once made preparations to erect a store building and warehouses. Meantime the steamer *Bella* returned to Forty Mile and brought up 120 passengers from that place.

On June 8 the North American Transportation and Trading Company's steamer *Weare*, which had wintered at Circle City, reached Dawson, bringing up 300 tons of freight and twenty-five passengers. Capt. John J. Healy, the manager of the company, arrived on the *Weare* from Fort Cudahy, and at once began the construction of a store and warehouses for the accommodation of the business of his company. In the latter part of July the sawmill at Fort Cudahy was removed to Dawson, and it has since been in operation, having probably turned out 1,000,000 feet of lumber at the present writing.

Building operations were prosecuted vigorously during the summer, and by October 1, 1897, there were between four and five hundred houses in the town, many of them very large and expensive. The Alaska Commercial Company had completed their buildings, which are the largest in Dawson. Their store building is 40 by 80 feet and two stories in height, constructed entirely of logs, and they have one warehouse 30 by 190 feet, constructed of corrugated iron. Besides these large buildings they have three other warehouses, varying in length from 50 to 100 feet, all being 30 feet in width, and a fine two-story log house used by the employees of the company for living quarters. The cost of the buildings, according to a statement furnished by the company, was nearly \$250,000. At the above date the North American Transportation and Trading Company had also completed their buildings, consisting of a fine commodious store building, constructed of logs; three warehouses, constructed of corrugated iron, and a comfortable dwelling house. The cost of these buildings is stated by the company to have been about \$150,000.

The town site of Dawson extends from the Klondike along the Yukon about a mile and a half to a high bluff, which comes down to the river

and extends back about half a mile from the river to a steep range of mountains, being of nearly uniform width. The companies' stores are located on the front street, facing the river, about a mile below the Klondike. Along the river front, toward the Klondike, there is a row of buildings, thirty-five or forty in number, which are occupied by saloons and gambling houses (now numbering fifteen), restaurants, etc. Some of these buildings are quite large, the principal one, the opera house, being 40 by 80 feet and two stories in height. The lot on which it stands was purchased for \$12,000, and the building itself cost \$20,000. Many lots on the front street have sold at prices ranging from \$3,000 to \$12,500, and residence lots sell for from \$300 to \$1,000, according to location.

In the upper part of town, facing the river, are situated the barracks of the mounted police. These consist of five or six well-constructed log buildings, forming a hollow square, the principal one, the quarters of the captain in command of the force, being two stories in height.

At the lower end of town, on a bench overlooking the river and the town, is situated the Sisters' Hospital, occupying three fine buildings. This is the most eligible part of Dawson at present for residences, and quite a number of comfortable cabins have been erected there. The greater number of the private residences, however, are located on the flat between the front street and the mountains. This portion of the town is a muck bed, and during the summer months is covered with stagnant water to a depth of a foot in many places. No attempt has been made to drain it, and as a consequence there were many cases of typhomalarial fever during the past summer, there being thirteen patients in the hospital October 1, 1897, suffering from this disease. Fortunately the fever is not of a virulent type, and yields readily to treatment, but few deaths being reported. About seventy-five deaths occurred in the district during the past year, many the result of bad living. Unless some concerted action is taken looking to the improvement of the insanitary condition of the town, there must inevitably be a great deal of sickness next summer, when the situation will be aggravated by the accumulation of offal during the winter, and the overflowing cesspools.

Many newcomers during the past season suffered from a troublesome dysentery, evidently brought on by drinking water from the Yukon, which is strongly impregnated with minerals, especially below the mouth of White River, which takes its name from a white substance in its waters, supposed to be volcanic ash. The water when drunk has much the same effect as the alkali waters of the streams in the western part of the United States. There is also much complaint among the old-timers of kidney and bladder affections, which they universally attribute to the water.

Across the Klondike from Dawson, occupying a triangular tract of ground bounded by the Yukon, the Klondike, and the mountains, is a collection of twenty-five or thirty cabins locally known as "Louse Town," so named by some observant and facetious individual who was

probably cognizant of a predominant peculiarity of the Indians living there. This is the most healthy part of the town, being high and dry and having good drainage, and when relieved of the incubus of its present local appellation, which it is presumed will disappear with the passing of the red man, will be the most desirable portion of the town for residence. Just opposite Dawson, on the west bank of the Yukon, is an eligible sight for suburban residences, and already a number of comfortable cabins have been erected there.

Nearly all the houses in Dawson are built of logs. A typical cabin is 14 by 16 feet, inside measurement, requiring for its construction from twenty-eight to forty logs, the number depending on their size. The walls are carried to a height of eight feet, being surmounted by a gable roof with a three-foot pitch, supported by three logs laid parallel with one another, one forming the ridgepole. Across these supports, arranged as closely together as possible, are placed small poles or slabs, which extend a foot or so beyond the walls, forming the eaves. Over these a layer of moss is spread and the whole topped out with earth to the depth of six inches. The walls are chinked with moss and a single-sash window is placed in the south wall to admit the sunlight. The floors of the cabins built last winter generally consist of hewn logs or whip-sawed lumber, but flooring purchased from the sawmills is now commonly used. Such a cabin as that described, when heated by a Yukon stove, is quite comfortable, even in the coldest weather. The expense of constructing cabins is considerable. All the logs used in Dawson are rafted from points up the river, and as the demand for logs at the sawmills and for building purposes has exhausted the supply in the immediate vicinity of the town, the loggers are obliged to go from 25 to 150 miles up the river to find logs of sufficient size, the best logs for lumber being secured in the neighborhood of Fort Selkirk, about 150 miles above Dawson, though good house logs can be found at much nearer points. The price of logs for lumber, in the water on the river front, is \$50 a thousand feet, board measurement. Logs for building purposes cost \$5 apiece in the water, and the expense of transporting them to the residence portion of the town is as much more, a man with two horses engaged in this work receiving \$5 per log or \$50 a day for such services. The moss for a cabin costs from \$25 to \$30.

The prices of lumber at the mills are as follows: Common rough lumber, \$140 per 1,000 feet; sluice-box lumber, \$150; six-inch flooring, \$190; four-inch beaded ceiling lumber, \$200 (double-surfaced, \$240). The wages paid by the sawmills are as follows: Foreman, \$12 a day; engineer, \$12; sawyer, \$12, and a common laborer, \$10. The mills run night and day from early in May to October 1, working two shifts of ten hours each. Each of the mills employed about ten men during the past season. The price of logs in 1896 was \$25 per 1,000 feet (board measurement); but during the season of 1897 the price advanced to \$50, on account of the scarcity of logs in the immediate vicinity. A good log-

ger can make \$20 a day during the season at this price, but the season is short and the work exceedingly hard, the men being compelled to remain in the water for hours at a time while constructing the rafts.

Carpenters receive \$15 a day, and common laborers of all kinds receive \$10 a day, ten hours constituting a day's work. The wages of laborers during June and July were \$15, but they were reduced August 1, 1897, to the present figure.

These high prices of material and labor make the expense of building very great, an ordinary one-room cabin, such as that above described, costing from \$700 to \$1,000, according to finish. If a rough-board partition is desired, \$150 has to be added to these figures to secure it. The cost of a two-story business building 25 by 80 feet runs high up into the thousands, many of the buildings of this class costing from \$12,000 to \$20,000 each, according to finish. Some of the more pretentious structures are constructed of sawed logs, cut to a uniform thickness of six inches, with the edges squared, forming a weather proof six-inch wall. These buildings present a very neat appearance and possess all the advantages of the ordinary log house as regards warmth and durability.

There is one tin shop in Dawson. The force of five or six men was employed during the fall almost exclusively in the manufacture of stoves. The ordinary Klondike (or Yukon) stove costs \$40. This is made of No. 20 sheet iron, being 30 inches long, 14 inches wide, and 10 inches deep, with two holes, and having an oven 9 by 14 inches, the remainder of the space being taken up by the fire box. A larger size, containing five holes, costs \$50. These stoves are good bakers, and heat a small cabin comfortably with very little fuel. Stovepipe (5 inch) costs \$1 a joint. A copper wash boiler costs \$10; tin wash boiler, \$6; teakettle with copper bottom, \$5, and other utensils in like proportion. Tinsmiths receive \$15 per day of ten hours, the charge for work done outside the shop being \$20 a day per man.

There are two watchmakers in Dawson, whose scale of prices for repairing is as follows: Cleaning, \$5; main spring, \$4; open-face crystal, \$1.50; hunting-case crystal, \$1; balance staff, \$6 to \$8.50; roller jewel, \$3; hole and cap jewel, \$4; hands, 75 cents; lifting spring, \$5.

Two blacksmith shops, each employing from two to four men, are kept busy shoeing horses, making picks, shoeing sleds, etc. The charge for shoeing a horse all around is \$20; making pick, \$8; shoeing dog sled (seven feet long), \$10. Blacksmiths receive \$15 per day of ten hours.

One of the restaurants still open October 1, 1897, paid the following wages, board and lodging included: Two cooks, \$10 a day each; waiter, \$30 a week; dishwasher, \$25 a week; woman helper, \$25 a week.

The Opera House saloon, the principal establishment of the kind, pays weighers \$20 a day. Barkeepers receive from \$15 to \$20 a day, twelve-hour shifts, according to style and the seductiveness of their decoctions. The gambling department of the same institution pays its

dealers from \$15 to \$20 a day, twelve-hour shifts. These are the highest wages paid for this class of service. Other saloons pay from \$10 to \$15 a day, the prevailing rate being \$12.50. The following prices are charged in the saloons: Whisky, beer, seltzer, beef tea, etc., 50 cents; cigars, 50 cents; sherry and egg, \$1.50; milk (canned) punch, \$1.50; champagne, two ounces of gold (\$34) per quart bottle—three ounces (\$51) when scarce. The Opera House runs a dance hall, in which six or eight women are employed, their tour of duty extending from 6 p. m. to the close of the festivities, generally 4 or 5 o'clock in the morning. They receive a salary of \$40 a week and a commission of 25 per cent on the drinks and cigars consumed by their partners. The more attractive and industrious make as high as \$100 a week. The dance hall is nightly crowded by a motley throng, many of the leading citizens frequenting the place and leading in the dance. An habitué of the institution, in determining the length of time he will be able to participate in the revelries, bases his calculation on the number of "allemande-lefts" he has remaining in his sack.

The salaries paid by the commercial companies are as follows, including board and lodging: Bookkeepers, \$125 a month, and clerks, \$100. Laborers in the warehouses receive \$125 per month, without board.

Three or four laundries are in operation, charging from \$4 to \$6 per dozen pieces, the price depending on the amount of work on hand and the inclination of the laundress to accept more orders.

The one barber shop charges the following prices: Shaving, 50 cents; hair cutting, \$1; shampoo, \$1; bath (six gallons of lukewarm water), \$1.50. One journeyman barber was receiving \$75 a week up to October 1, 1897, tips amounting to \$25 or \$30 more; but he was forced to go down the river on account of lack of supplies. Two other barbers received 60 per cent of their receipts.

There are five or six physicians in the town, their fees being an ounce of gold (\$17) per visit. For visiting a patient in the gulches the charge is from \$100 to \$500, according to distance.

During the past year some thirty horses were engaged in packing between Dawson and the mines. One of the leading freighters furnished the following figures: Summer rate for packing, 20 to 40 cents a pound, according to distance; 30 cents to The Forks (13 miles from Dawson). The winter rate is 8 cents to The Forks. The packer receives \$100 a week and boards himself. Feed costs from \$3 to \$4 a day to the animal, hay ranging from \$250 to \$500 per ton, and a good horse packs 200 pounds, making ten round trips a month, on an average. A horse costs from \$300 to \$600.

Cordwood costs \$25 per cord laid down at the door ready to burn—\$15 in the water, \$5 for hauling to the place of consumption, and \$5 for sawing into stove lengths.

The civil government is in the hands of the Northwest mounted police. The force consists of a fine body of twenty-five or thirty men. The inspector in command has been on the Yukon for three years, having

been stationed at Forty Mile previous to the discovery of gold on the Klondike. He has full magisterial powers, and the fact that he is universally esteemed by all classes in the community indicates that he performs the difficult duties of his position with wisdom and discretion.

The business of provisioning the community is almost exclusively controlled by the two great commercial companies whose establishments have been described, as they possess the only means of bringing merchandise into the country in large quantities. During the past summer considerable quantities of goods of various kinds were brought in over the trails and down the Yukon in small boats, but these consisted principally of light articles known to be scarce here and therefore commanding abnormal prices; otherwise the small traders could not have competed with the commercial companies. It is impossible for the general public to secure the transportation of freight by way of St. Michaels, as the companies require the full tonnage of their boats for the accommodation of their own business.

It is claimed to be the custom of both companies to sell goods for a fixed price, regardless of the quantity on hand, and it must be admitted that their prices, especially for the staples—those things which are absolutely necessary for fairly comfortable subsistence—are reasonable, when the great difficulties and cost of transportation are considered. (a) Ignorance of this policy on the part of those coming in over the trails last summer was a very important factor in bringing about the present scarcity of provisions. Men with large outfits at Dyea and Skagway, on learning that flour was quoted at \$12 a hundred in Dawson, would come to the erroneous conclusion that it must be plentiful, and would refuse to pay the \$40 to \$60 a hundred which was being charged for packing on the Dyea and Skagway trails. As a consequence hundreds of men came into the country without flour and other staples who would otherwise have come in well supplied.

The companies endeavor to make an equitable distribution of their goods among their customers. Each company has an order clerk, supplied with blanks, whose business it is to take the orders of customers, who usually place their orders early in the season, a deposit of \$200 being required on a year's outfit. All orders received prior to a certain date, determinable by the stock on hand and the condition of the river, are guaranteed; but all received subsequent to that date are taken conditionally. For instance, during the past season the Alaska Commercial Company guaranteed all orders placed at their store in Dawson prior to September 1, but informed customers placing orders later than that date that it might not be possible to fill them.

^a This was written about the 1st of November, 1897, being based upon the statements of both companies. Two months' further observation on the ground demands certain modifications, which will be found in the sections on the Business Outlook, Transportation, and Fort Yukon. The paragraph is allowed to stand as originally written, as it serves most admirably as an illustration of the elusiveness of a Yukon fact.

The following typical order for a year's outfit was furnished by the Alaska Commercial Company:

ONE YEAR'S OUTFIT FOR ONE MINER.

Articles.	Price in Dawson.	Price in Circle City.
500 pounds flour	\$60.00	\$50.00
80 pounds beans	10.00	9.60
25 pounds peas	6.25	6.25
25 pounds rolled oats	6.25	6.25
15 pounds corn meal	3.75	3.00
1 case condensed milk, 4 dozen 1-pound cans	24.00	20.00
1 case cabbage, 2 dozen 2-pound cans	12.00	10.00
1 case roast beef, 1 dozen 2-pound cans	9.00	9.00
1 case corned beef, 1 dozen 2-pound cans	9.00	6.00
1 case sausage meat, 2 dozen 2-pound cans	18.00	18.00
1 case turkey, 2 dozen 2-pound cans	12.00	12.00
1 case tomatoes, 2 dozen 2 $\frac{1}{2}$ -pound cans	10.00	10.00
1 case string beans, 2 dozen 2-pound cans	12.00	13.00
75 pounds bacon	80.00	80.00
50 pounds ham	22.50	20.00
25 pounds dried apples	6.25	6.25
25 pounds dried prunes	6.25	6.25
25 pounds dried peaches	7.50	7.50
25 pounds dried apricots	8.75	8.75
25 pounds raisins or grapes	6.25	6.25
100 pounds granulated sugar	30.00	25.00
1 keg pickles, 5 gallons	5.00	5.00
1 keg sauerkraut, 5 gallons	5.00	5.00
5 gallons maple sirup	15.00	15.00
25 pounds evaporated potatoes	12.50	10.00
15 pounds cheese	7.50	7.50
20 pounds Arbuckle's coffee	10.00	10.00
5 pounds black tea	6.25	5.00
5 pounds chocolate	3.75	3.75
2 bottles lime juice	4.00	5.00
6 bottles Worcestershire sauce	4.50	4.50
30 pounds lard	9.00	9.00
1 box macaroni, 12 pounds	2.00	2.00
12 pounds mince-meat	12.00	12.00
2 pairs rubber boots	18.00	24.00
1 tin assorted cakes, 36 pounds	10.00	15.00
4 boxes candles, 120 to the box	24.00	28.00
1 case baking powder, 2 dozen one-half pound cans	12.00	12.00
6 bars washing soap	1.00	1.00
5 bars toilet soap	1.00	1.00
15 pounds salt	1.50	1.50
1 case coal oil, 10 gallons	12.00	12.00
2 lamp chimneys	.50	.50
100 feet of rope, three-fourths or seven-eighths (45 pounds)	18.00	13.50
1 five-foot bull saw	6.00	6.00
2 bull-saw files	1.50	1.50
1 pair arctic overshoes	4.50	4.50
2 pairs felt boots	5.00	5.00
4 pairs woolen socks	4.00	4.00
2 pairs moccasins	5.00	5.00
2 pairs water boots	5.00	6.00
6 pairs skin mittens	15.00	15.00
Total	550.25	531.35

This order was placed June 26, 1897, and was accompanied by a deposit of \$300. For two or three items the quantities are somewhat large, the order calling for 100 pounds of flour in excess of the usual allowance; but as some luxuries have been omitted, it constitutes an average outfit so far as cost is concerned. When an order is guaranteed, the goods are assembled in one pile, marked "sold," and held in the warehouse subject to the order of the purchaser. If he is a miner, he usually prefers to let his outfit remain in the warehouse until cold weather, in order to take advantage of the lower rates for freighting to the gulches prevailing after the snow falls. On account of the wholesale robbery

of caches (a) during the past summer and fall, even those customers residing in town allowed their supplies to remain in the custody of the companies as long as possible.

The prices quoted above will not seem exorbitant to old miners, who recall that in Tucson and Tombstone in 1877 they paid \$25 a hundred for flour at the stores, 50 cents a pound for bacon, 40 cents a pound for sugar, and proportionate prices for other commodities; nor to the old timer who paid \$1 a pound for flour, bacon, etc., at the stores in Helena during the flush days of Last Chance. It is no doubt true that many articles command higher prices here than have ever been paid anywhere else on the continent; but it should be borne in mind that this condition has been brought about through the "cornering" of those articles by unscrupulous speculators, and that both companies have made every effort to prevent the present state of affairs, recognizing that it would injure the country and retard its development.

While the companies' prices for staples are comparatively reasonable, as stated, the same can not be said in regard to the prices charged for many other articles. As a general rule, clothing of all kinds sells for prices 200 per cent in advance of the prices charged for the same grade of goods in the States of the country; shoes and all kinds of footwear, 100 to 150 per cent advance; dry goods, 200 to 500 per cent, calico selling for 25 cents per yard, or 5 yards for \$1; patent medicines and drugs, 300 to 1,000 per cent—a popular blood purifier, which usually sells for 75 cents a bottle at retail, costing \$3 here, and drugs generally selling for \$1 per ounce, without regard to original cost. A 12-pound Mackinaw blanket sells for \$25, the prices of all grades of blankets being from 100 to 150 per cent higher than in the United States. A wolf robe, retailing for \$40 in Seattle, costs from \$150 to \$250 here, according to the financial condition of the purchaser. A repeating rifle, which retails for \$20 outside, sells here for \$50. A set of ordinary ironstone china dinner plates, costing 75 cents at retail in the United States, brings \$6 here. As 25 cents is the smallest change made, there is an immense profit in small articles, such as lead pencils, needles, thread, etc.

Refined alcohol of a grade that sells at retail in the East for \$3.75 per gallon is sold by the companies for \$40 per gallon. They charge \$17 per gallon for a brand of blended whisky that can be bought at retail outside for \$2.50, and \$120 a case (12 quarts) for champagne. Cigars of a quality usually sold for \$5 per hundred are sold here for \$14, and retail over the bars at 50 cents apiece. In the matter of smoking and chewing tobaccos the charges are more reasonable, the dealers being satisfied with an advance over outside prices of from 50 to 100 per cent.

There is an enormous profit in cheap jewelry. An imitation gold

^a Household provisions are generally stored in an outhouse, called a "cache," usually constructed of a boat placed on posts six or eight feet high, beyond the reach of dogs.

watch retailing for \$5 in the United States sells here for \$10, and a gold-washed watch chain which could be duplicated outside for \$1.50 meets with an occasional sale for \$8. There is less demand for this class of jewelry, however, than formerly, the people generally demanding the best grades.

There is a fair demand among the miners for a good grade of watches and chains, the prevailing prices being from 100 to 150 per cent higher than in the United States.

There is an active sale for diamonds of from 1 to 4 carats. In October, 1897, a small diamond which cost \$35 at retail in San Francisco sold for \$150 in Dawson; but this price was exceptional.

In the spring of 1897, before the boats got up, there was a great scarcity of many kinds of provisions, and abnormal prices prevailed. Flour sold for \$125 a hundred; bacon from \$1.50 to \$2 a pound; moose meat, 75 cents a pound, and many other articles in like proportion.

One restaurant was running June 1. After the boats got up and provisions could be obtained other restaurants were started, there being four by June 15, and eight by July 10. The price of a meal was \$1.50, the regulation meal consisting of bread, butter, and coffee, bacon and beans, and canned corn. Later, when beef cattle got in, a small steak was added to the menu. A tenderloin beefsteak, ordered by the card, cost \$2.50, the charge for two eggs on the side being \$1.50. During the last week in September only two restaurants were running (all the others having been forced to close through lack of supplies), the bill of fare being as follows: Breakfast, bread, butter, and coffee, beefsteak, canned corn, and hot cakes; dinner, the same, with rice pudding substituted for hot cakes; supper, the same, minus hot cakes and pudding. Price, \$1.50 per meal. By October 1 one of these restaurants closed on account of lack of provisions, the other continuing to do business in a precarious way for a few days, and charging from \$2 to \$3.50 per meal, the character of the service deteriorating in about the same ratio as the price increased, until at the final collapse \$3.50 was being charged for bread, butter, and coffee, and a very small and exceedingly tough steak. After the close of the last restaurant, about October 10, an enterprising individual opened up a soup house, displaying the following sign: "Bean soup from 10 a. m. to 3 p. m., \$2.50." He served a fair article of soup, with a cup of tea and a slice of bread, doing a rushing business for a few days, when he was forced to close on account of the scarcity of beans.

The only medium of exchange in general circulation is gold dust, which passes current at a valuation of \$17 per ounce. Considerable coin and paper money have been brought into the country, but when any of it is paid to a business man it immediately disappears from circulation, presumably being used for the purpose of making remittances to the outside world instead of the more bulky and less convenient gold dust. Every place of business has a pair of gold scales, pre-

sided over by a weigher whose duty it is to weigh the gold dust received in the course of business. The customer pours into a little scoop enough dust to cover the amount of his purchase, and from this the weigher weighs out the exact amount, returning the balance to the customer's sack. This method of exchange has many disadvantages, the principal objection in ordinary business transactions being the loss of time in weighing, etc. Those who patronize saloons and gambling houses complain of unfair weighing by some of the less scrupulous proprietors. A weigher in a saloon who can not extract a 20 per cent advantage from the opportunities offered is not considered an adept in his line. Aside from these objections there is some loss from the careless handling of gold sacks, especially when men are under the influence of liquor, a not infrequent spectacle here. After a man has taken two or three drinks of Dawson whisky he is apt to forget to tie his gold sack, and in taking it out of his pocket to pay for the next drink is liable to sow some of his dust on the floor, where a small portion of it is naturally lost to him, but not to the janitor, who pans out the floor sweepings in the morning, often cleaning up from one to two ounces. This unsatisfactory condition in regard to the circulating medium, which exists throughout the Yukon basin, must continue until the two governments make some provision for a currency, through the establishment of assay offices or otherwise.

During August, 1897, there were about 3,000 people in the town, a large proportion of whom had come over the trails and down the Yukon, for, although the news of the great strike did not reach the outside world until the middle of July, it was known in Juneau and at other points in southeastern Alaska in February, and in April and May the Dyce trail was swarming with men from Juneau and vicinity on their way to the Klondike. A register is kept at Fort Selkirk of those passing down the river, and on October 3 this register and the count kept there showed that 3,500 men had passed that point during the season, bound for the new diggings. This number, added to those already in the country and the two or three hundred who had reached Dawson from St. Michaels, brought the population of the Klondike district up to fully 5,000, as very few people had left the country during the summer. Most of those who came down the river during the early part of the season were miners or others accustomed to the hardships of frontier life, but those arriving later were largely professional men, clerks, etc., who had never had any experience outside of the cities where they had followed their vocations and who were poorly equipped by nature and training for the struggle which confronted them under the hard conditions prevailing here. Among the number that came in during August, September, and October were many women and children, and these found their surroundings peculiarly trying, as it was impossible to secure proper shelter before the setting in of cold weather. On October 1 there were about 2,000 people in Dawson, probably 1,000 of whom were

living in tents, and in the nature of things many of them will be obliged to so live during the winter, as logs for cabins can not be secured after the river closes.

By the middle of September it became apparent that a serious scarcity of provisions for the winter was inevitable, on account of the ill success of the commercial companies in getting their boats up the river. This condition was daily becoming worse, owing to the fact that most of the people coming down the river were poorly supplied with food, while a great many were landing in Dawson with barely enough to get them there. The steamers *Healy* and *Weare*, belonging to the North American Transportation and Trading Company, on account of the low water had made but two trips each to Dawson, while the *Hamilton*, the new boat upon which the company had principally depended, had not got above Fort Yukon. The *Healy* had landed in Dawson about 305 tons of freight, while the *Weare* had brought up about 500 tons. The boats of the Alaska Commercial Company had done somewhat better, the *Bella* having made one trip from Fort Yukon and three from St. Michaels, bringing up about 1,275 tons of freight; the *Alice* had made three trips, landing 450 tons, and the *Margaret* one trip, with 200 tons. In all only about 2,730 tons of freight had been laid down in Dawson as the result of the season's navigation, and as probably one-half of this consisted of furniture, clothing, hardware, liquors, etc., the outlook for the winter was gloomy indeed. Many clung to the hope that more boats would get up, but on September 26 this hope was blasted by the arrival from Fort Yukon, in a poling boat, of Capt. J. E. Hansen, the assistant superintendent of the Alaska Commercial Company, with the announcement that no more boats could get up with cargoes on account of the low water on the Yukon Flats. This announcement produced a panic, as it was realized that the supply of food was not sufficient to carry those already in the district through till next June, while people without supplies were pouring into town from the upper river by hundreds. The news reached the gulches the next day, and within twenty-four hours most of the claim owners and miners came in to ascertain the truth and learn whether their orders at the stores could be filled. The Alaska Commercial Company announced to the public that they could fill all orders which had been placed before September 1, with a slight curtailment in flour and two or three other items, but that it would be impossible to fill orders placed after that date, and advised all persons without supplies for the winter to go down the river to Fort Yukon, where they had six or seven hundred tons of provisions cached. The North American Transportation and Trading Company assured their customers that they could fill their orders, and advised the people without supplies to remain in Dawson, predicating the advice on the assumption that all of their boats would get up. Subsequent events proved that the representatives of both companies were partially mistaken, Captain Hansen in his announcement that more boats would not arrive and Captain Healy in

his assumption that all of his boats would, for during the evening of the 28th the *Weare*, of the North American Transportation and Trading Company's fleet, reached Dawson, and in the afternoon of the 30th the *Bella*, belonging to the Alaska Commercial Company, arrived, the former with 125 tons of freight and the latter with 75 tons, both having lightened cargo sufficiently to get over the bars on the Yukon Flats, while no other boat of either company had got above Fort Yukon when the river closed, October 22.

The arrival of the *Weare* was hailed with the greatest manifestations of joy on the part of the people, who congregated on the river front to watch her progress as she fought her way up against the swift current to the landing; but when it was learned that she had only about 125 tons of freight aboard it was realized that the situation had not been relieved to a sufficient extent to render an exodus from Dawson unnecessary, and as many as could be accommodated, about 150 in all, took passage on the *Weare*, which returned down the river the next day. On the morning of the 29th the ice began to run in the Yukon, and it was evident that those who proposed to act on the suggestion of Captain Hansen, to go to Fort Yukon, would have to leave at once, as the river was likely to close within a week, and a delay of even two or three days might render the passage down in small boats extremely hazardous. The Canadian authorities fully agreed with Captain Hansen as to the gravity of the situation, and early in the forenoon of the 30th issued the following notice:

The undersigned, officials of the Canadian Government, having carefully looked over the present distressing situation in regard to the supply of food for the winter, find that the stock on hand is not sufficient to meet the wants of the people now in the district, and can see only one way out of the difficulty, and that is an immediate move down the river of all those who are now unsupplied to Fort Yukon, where there is a large stock of provisions. Within a few days the river will be closed, and the move must be made now, if at all. It is absolutely hazardous to build hopes upon the arrival of other boats. It is almost beyond a possibility that any more food will come into this district. For those who have not laid in a winter's supply to remain here any longer is to court death from starvation, or at least a certainty of sickness from scurvy and other troubles. Starvation now stares every man in the face who is hoping and waiting for outside relief. Little effort and trivial cost will place them all in comfort and safety within a few days at Fort Yukon or at other points below, where there are now large stocks of food.

C. CONSTANTINE,

Inspector Northwestern Mounted Police.

D. W. DAVIS,

Collector of Customs.

FRED. FAWCETT,

Gold Commissioner.

SEPTEMBER 30, 1897.

This notice caused many to begin preparations for the journey to Fort Yukon, and fifty or seventy-five men had embarked in small boats

for that point by 3 o'clock in the afternoon, at which hour the *Bella* made her appearance around the bend below town and slowly cut her way through the floating ice to the landing. Although the *Bella* brought up but seventy-five tons of freight, the arrival of two boats within forty-eight hours revived the hopes of many that other steamers might reach Dawson, and had the effect of temporarily checking the movement down the river.

In the afternoon of the 30th the following notice was posted throughout the town:

Notice is hereby given that all persons who are not sufficiently provided with food for the coming winter will be taken out free of charge on the steamer *Bella*, which will leave to-morrow at noon. They should report at the Alaska Commercial Company's store to-morrow morning at 8 o'clock and sign an agreement as to their transportation. They are advised to take sufficient food with them to last them to Circle City, as no meals can be served on the steamer. Sufficient supplies can be obtained at Circle City to last to Fort Yukon.

The Canadian authorities have arranged with the Alaska Commercial Company to furnish free transportation.

C. CONSTANTINE,

Inspector Northwestern Mounted Police.

DAWSON, September 30, 1897.

Several meetings were held during the afternoon and evening to discuss the situation, at which the authorities, Captain Hansen, and others urged the necessity of as many as could be accommodated on the *Bella* taking advantage of the opportunity offered of free transportation down the river.

The next morning the following notices were posted on the doors of the Alaska Commercial Company's store:

This store has been appropriated by the Government for the purpose of regulating the transportation of unprovided people, and is declared closed for commercial purposes for the day.

C. CONSTANTINE.

Mass meeting will be held at 10 a. m., in front of the Alaska Commercial Company's store, to discuss the food situation at Dawson and the departure of unprovided people on the *Bella*.

In pursuance of these notices the Canadian authorities took charge of the store, and a meeting was held, at which Captain Hansen again urged the people to take advantage of the opportunity offered. After the meeting a large number of men presented themselves at the store and announced their intention of taking passage on the steamer, and they were required to sign the following special agreement:

DAWSON, NORTHWEST TERRITORY, October 1, 1897.

The officials of the Government of the Dominion of Canada, recognizing the gravity of the situation, have arranged to have all persons not provided with food for the winter carried free of charge to Fort Yukon on the steamer *Bella*, on the following conditions: That the steamer *Bella's* officers or owners are not to be held responsible for any delays or possible nonarrival at destination of any passengers or property carried; that all persons accepting passage agree to cut wood, or

in any other manner aid in furthering said steamer's voyage, as they may be called upon to do by the captain; that they are to provide themselves with food sufficient for the trip; that the undersigned specially agree that if the ice runs so thick as to endanger the steamer and she goes into harbor between Dawson, Northwest Territory, and Fort Yukon, Alaska, they will leave the steamer at the request of the master, E. D. Dixon.

This agreement was signed by 160 persons, to most of whom five days' rations were sold, a few without funds being furnished rations free of cost. The *Bella* left Dawson at 4 o'clock in the afternoon, October 1, 1897, and the writer took passage on her for Circle City. An account of the trip will be found elsewhere. It was subsequently ascertained by actual count that only 120 of the 160 who signed the agreement boarded the steamer, and it is a reasonable presumption that the forty who remained in Dawson attached their signatures simply for the purpose of securing five days' rations.

This section was prepared from data secured in Dawson previous to October 1, 1897. From the diary of a thoroughly reliable man who arrived in Circle City January 8, 1898, the following extracts are taken:

On October 4, 1897, a boat containing six men was caught in the shore ice right above town, and all on board were drowned.

Captain Hansen estimates that about 500 people have gone down to Fort Yukon and other points.

A meeting was held at the Opera House on October 9, at which speeches were made urging men to go down the river. Another meeting was held the next day in front of the Alaska Commercial Company's store at which speeches were made on the same lines, and as a result of this meeting a scow was furnished and provisioned by the authorities, and with 20 men aboard started down the river in charge of an Indian pilot. Captain Healey announced that his company could feed everybody, but that he had been imposed upon by large operators of mines who had secured double outfits through third parties.

During the first half of October several meetings were held by the miners at The Forks and a committee appointed to ascertain how many men were working in the gulches at \$1 per hour. The committee visited every claim and cabin on the main creeks, but failed to find anybody who admitted that he was working for \$1. They secured information in regard to one or two who were working for \$1 per hour, and they dragged one such man out of the hole with a rope and told him not to work any more for \$1.

On November 8 a meeting was held in Dawson to protest against the new mining regulations, at which a memorial to the Dominion Government was prepared. A committee of ten was appointed, which subsequently selected a subcommittee of three, to carry the memorial to Ottawa. The committee of three was provided with a fund of \$18,000 and left within a few days for the outside.

Under the operation of the new regulations a prospector is allowed to locate 200 feet, 100 belonging to him and 100 feet being reserved by the Government. The uncertainty as to the enforcement of the royalty clause makes it impossible to secure any information as to the output of the mines, as the owners refuse to tell how much they are producing. We have heard the last of big pans in the Klondike district.

Captain Healey has paid \$325,000 for 27, 28, and 29 above Discovery on Bonanza—the largest sale so far reported.

Outfits are being sold as a whole for \$1 and \$1.25 per pound and many men are going out of the country. Candles sell at from \$40 to \$75 per box; flour, \$80 to \$150 per 100 pounds; whisky, \$30 to \$35 per gallon; champagne, \$500 a case. One restaurant started November 1, charging \$3.50 per meal; porterhouse steak, \$5. There is plenty of meat. The meals consist of bacon and beans, corn, tomatoes, and steak, with bread, butter, and coffee. December 15 three restaurants were running, with prices as above. Dogs sell as high as \$350 apiece, and \$1,700 has been paid for a team of five dogs. Fare to Dyea by dog team, from \$500 to \$1,000, passenger being allowed to walk, simply having his outfit carried. Coal oil is quoted at \$20 per gallon, but can not be obtained.

The large number going out over the trail, estimated at from 300 to 500, has greatly relieved the food situation. Supplies make their appearance whenever prices sufficiently attractive are offered for them, say \$2 per pound, and the speculators are reaping a rich harvest. There will probably be no actual starvation in the district, but a very large proportion of the gold dust that was in general circulation at the beginning of the winter will by spring be concentrated in the hands of the few who hold the keys to the grub boxes.

THE TRIP OF THE BELLA.

When the *Bella* swung into the stream at 4 o'clock in the afternoon of October 1, 1897, to attempt the perilous passage to Fort Yukon, almost the entire remaining population of Dawson was congregated on the river front to watch her departure. Eldorado and Bonanza "kings" touched shoulders with prominent business men; prosperous gamblers and saloon keepers, passive spectators of the scene, smiled complacently as they congratulated themselves on being able to remain with their "mints" during the winter, while here and there in the throng could be seen a representative of that unfortunate class of women which our more highly civilized and enlightened communities can always produce in ample numbers to supply the demands of every mining camp. Gazing on the receding sea of faces it did not require great skill in physiognomy to reach the conclusion that if the object of the promoters of this movement was to rid the town of its tin-horn gamblers, low-grade harlots, and cache robbers, they had so far signally failed, for these, some three or four hundred strong, were still in Dawson, where they will remain, it is presumed, to pursue their devious ways and fatten on the spoils of a lax morality.

The weather was raw and cold, with a piercing north wind blowing, and a leaden wintry sky hung like a pall over the landscape and emphasized the crudeness of the town.

During the day the bow of the steamer had been encased at the water line with an eighteen-inch strip of sheet steel, to protect the hull against the action of the ice, which was running in the river so thick and heavy that when the larger cakes struck the boat the grinding crash could be heard above the noise of the machinery, and the force of the impact jarred her from stem to stern. As the *Bella* entered the current, and the attempt was made to head her downstream, it was

found that she would not answer the helm, and she was carried helplessly down the river, stern first, by the five-mile current. An examination of the rudder disclosed that the stretcher had been bent by the ice, and steps were at once taken to repair it. The boat drifted a mile or two, turning completely around once or twice in that distance, when the damaged rudder was repaired and the boat gotten under control. She proceeded without further trouble to a point about forty-five miles below Dawson and eight miles above Forty Mile, when it was discovered that the suction pipe of the well which feeds the boiler was clogged with anchor ice, making it impossible to supply the boiler with water, and the boat was run ashore at 7 o'clock and tied up for the night.

The *Bella* is a boat of 150 tons, built for towing barges, and has no accommodation for passengers. There were 130 people aboard, including the crew, so the problem of finding a place to spread one's blankets for the night was a difficult one for the more diffident to solve. Many secured fairly comfortable quarters, so far as warmth was concerned, in the boiler and engine rooms, on the cordwood, and elsewhere; others spread their blankets on the tables in the mess room and on the floor of the cabin, while a few were forced to sleep on the open deck. Most of the passengers were well supplied with blankets and clothing suitable for the climate, but quite a number were insufficiently clad, especially as regards footwear, and poorly provided with blankets. For supper every man shifted for himself, drawing on his rations of hard-tack and bacon, which had been secured at Dawson.

During the three-hour run from Dawson an occasional glance from the deck revealed the fact that the boat was passing some of the most picturesque scenery on the continent, but as it would require a stoic and a poet combined to appreciate scenery, not to speak of describing it, under such dismal circumstances, this subject must be left to abler pens and to the camera. A more profitable and absorbing subject presented itself in the cargo of living freight aboard the *Bella*, and the long and dreary evening was spent in studying human faces and in listening to the stories of many of the passengers and learning the details of their rough experiences. By actual count there were 120 persons aboard who had signed the transportation agreement at Dawson. A few were of the class of unfortunates who are constantly "moved on," and to them their present surroundings were worse only in degree than those to which they had been accustomed; but it was apparent that to the great majority it was a hard and bitter trial—a humiliating denouement to what they had fondly dreamed would be a most successful venture. At best, they faced eight months of enforced idleness in an inhospitable climate, with perhaps no habitation better than a tent or a mere shack, and an almost absolute certainty of short rations. The passage down the river was considered, even by the captain and the crew, as extremely dangerous, for if the boat should be caught in an ice jam in midstream, an event imminent at every bend, she would be cut to pieces in a few hours, with the probability that but few

of the passengers would get ashore alive. Even if she should escape this great danger and be forced to go into winter quarters at Forty Mile there would be the long wait of six weeks for the ice to form, and then the long journey afoot to Circle City, a distance of 240 miles—an undertaking which but few men are equipped by nature to endure under the most favorable conditions, and which to many of the passengers, unaccustomed as they were to hardship and unprovided with suitable clothing and robes, would mean starvation or death from exhaustion and freezing. That the passengers on the *Bella* showed such fortitude, forbearance, and equanimity under the trying ordeal is remarkable. The superb discipline which by common consent was maintained throughout the journey may be accounted for by a fact which was elicited the next morning at Forty Mile. In taking a poll of those who had signed the transportation agreement, it was learned that 112 were citizens of the United States, while but eight were of other nationalities—six Canadians and two Russians. The result of this poll gave emphasis to another fact, which is apparent to the intelligent observer on the ground, and that is that fully 75 per cent of the people in the Klondike district are American citizens; in fact, it is evident to all who have studied the movement of events in the Yukon Valley during the past five years that if it had not been for American enterprise the Klondike and its tributaries, instead of attracting as they do the attention of the world, would be now, as in the past, chiefly noted as the spawning ground of the salmon and the haunt of a particularly ferocious species of bear.

Another significant fact elicited by careful inquiry was that many had signed fictitious names to the transportation agreement, fearing that a possible publication of the names might reveal to their loved ones at home their unhappy predicament and perhaps, through exaggeration of the situation, cause needless anxiety as to their condition. Among those conversed with were three physicians, who by their conversation and their diplomas showed that they were skilled in their profession, one having given up a growing practice in Chicago to seek a wider and more profitable field on the Klondike; a watchmaker, with three thousand dollars' worth of fine watches, etc., which the lack of supplies had prevented him from disposing of to advantage in Dawson; a half dozen farmers from Iowa, Nebraska, and other States, who had hoped to obtain here enough gold to enable them to pay at least the interest on their mortgages, which had been increased to secure the means for this venture; a bank clerk from Boston, who had left a \$2,000 position with the intention of going into business for himself in the new gold fields; three or four lawyers, from as many different cities, who had come here with the view of building up a lucrative practice in mining litigation, but whose only practice up to the present time had been an occasional exhibition of their knowledge of the rules of order and parliamentary procedure at miners' meetings; a feeble old man of 70, who by appealing to numerous friends and relatives had managed

to scrape together \$500 to invest in this last chance, and who epitomized his grievous condition by saying, "I would rather starve or freeze to death here among strangers than to die of humiliation and a broken heart at home." These and many others told their tales of struggle and hardship and shattered hopes—all pervaded by a pathos that brought the heart to the throat and was far too intense for tears—and would not be comforted.

At 6 o'clock the next morning the boat got under way, and about two miles above Forty Mile began to "drift" again, her rudder having been badly injured by the ice. By this time the volume of ice had increased to such a degree that it was absolutely necessary, in order to escape destruction, to make a landing, preferably in the mouth of Forty Mile Creek, which it was exceedingly difficult to do without a rudder. Fortunately, as the steamer approached the mouth of the creek her bow swung round, quartering upstream, and as she came opposite the mouth the engines were started, and a landing made on the lower side of the point formed by the south bank of Forty Mile Creek and the Yukon, where the boat was protected from the running ice in the river and for the time being safe. The captain announced to the passengers that as long as the ice ran so heavily it would be impossible to proceed, and that it would probably be two or three days before it would be safe to continue the journey. As there were only four days' rations aboard, a meeting was held to devise means of securing more provisions. This meeting was conducted in an orderly manner. The agent of the Alaska Commercial Company at Forty Mile, who had been a passenger on the *Bella* from Dawson, stated that he could furnish some flour, but that it would be impossible for him to supply anything else. As the result of the meeting a committee of three was appointed to visit the store of the North American Transportation and Trading Company, at Fort Cudahy, just across the creek from Forty Mile, and ascertain whether any provisions could be obtained there. The agent of the company informed the committee that he could supply enough provisions, with the exception of flour, to last the passengers ten days, the agent of the Alaska Commercial Company agreeing to furnish twenty sacks of flour. As a result of this conference the following bill of goods was purchased and taken aboard the steamer:

360 pounds of beans.....	\$43. 20
100 pounds of rice	25. 00
200 pounds of dried fruit (apples, peaches, and prunes).....	60. 00
200 pounds of granulated sugar	75. 00
50 pounds of coffee.....	37. 50
20 pounds of tea	25. 00
18 cans of baking powder.....	18. 00
20 pounds of salt	3. 00
100 pounds of bacon	40. 00
1 case of lard	18. 00
20 sacks of flour	120. 00
Total	464. 70

These goods were paid for by the passengers, the amount being apportioned pro rata. For the purpose of ascertaining the number of people aboard and their financial ability to stand an assessment, the poll above referred to was taken, and it was learned that nine were without means, while the others, as determined by a casual observation of their sacks as they made payment, had from \$20 to \$1,000 apiece, there being probably \$35,000 or \$40,000 in gold dust among the passengers. There were quite a number of old-timers aboard, nearly all of whom were well supplied with dust, there being one man aboard who had sold his mine on Bonanza for \$30,000 and had with him \$10,000 in gold dust. The charge had been freely made in Dawson and on board the steamer that there was an "invisible" supply of provisions in the Klondike district, and that the movement to send people to Fort Yukon was a ruse to get them away from Dawson so that the mine workers would have sufficient supplies to run the mines until freezing-up time next year, thus avoiding the great expense of summer packing. The fact that so many old residents, thoroughly familiar with the situation and amply able to purchase supplies, even at speculative prices, were forced to leave Dawson to secure provisions for the winter, would seem effectually to dispose of this charge.

A steward was selected by the passengers, with a volunteer corps of cooks and waiters, and messes of thirty formed. The cooking was done in the galley, and two meals a day were served—breakfast at 8 and dinner at 5. As the items in the bill will indicate, the menu was not exhaustive, but there was plenty for all, and everybody accepted the situation with the best possible good nature.

The agent of the Alaska Commercial Company had brought down on the steamer from Dawson a ton or so of provisions for the subsistence of the company's mess at Forty Mile, and some of the passengers conceived the idea of confiscating these goods for use, in case the boat was unable to proceed, during the long journey on the ice to Circle City. A meeting was held on October 3 to consider the matter, and after some discussion a vote was taken on the question, with the result that the agent was allowed to remove his goods.

On the same day there was a movement on the part of a few dissatisfied passengers to force the captain to proceed down the river. The captain explained the difficulties of running the boat in the ice, stating that the rudder and the wheel would inevitably be cut to pieces and the boat rendered helpless in midstream. This explanation was accepted as final, and no further action was taken in the matter.

From October 4 to 7 the temperature ranged from 6 degrees below to 22 degrees above zero in the morning, rising to from 12 degrees to 27 degrees above during the day, and the ice continued to run, getting thicker and harder from day to day until the 8th, when the weather became warmer and the ice thinned out considerably. The captain announced to the passengers that evening that if the condition of the

ice continued to improve he would make an attempt to start for Circle City the next day.

At 8 o'clock in the morning of the 9th the temperature was 25 degrees above zero, and the river had become so nearly clear of ice that the captain decided to proceed on the journey. While the *Bella* lay in the mouth of Forty Mile Creek the ice had formed around her to a thickness of six inches, and extended to the running water in the Yukon, a distance of about 100 feet from the stern of the boat. Several hours were spent in cutting a channel about forty feet wide through this ice to the running water, the released ice floating into the river in immense cakes, one of which was perhaps thirty feet square. In the meantime another small supply of provisions had been secured from the companies, consisting of five sacks of flour, 100 pounds of dried fruit, and 200 pounds of beans. It was calculated that this addition to the commissary would enable the passengers to stand a siege of five or six days' duration. At 1 o'clock p. m. the line was cast off, and the *Bella* was soon in midstream, again battling with the ice. Her bow had scarcely swung downstream when her rudder for the third time became useless, and the same old performance of drifting at the mercy of the current was repeated. After floating thus for a mile the rudder was repaired, and the boat proceeded for an hour or so without further trouble.

At 2.10 p. m., as the boat approached a bend in the river, an immense ice jam was encountered, the ice in many places being piled to a height of ten or fifteen feet and apparently extending clear across the river. It seemed impossible for the boat to get through, and she was tied up to the bank and the Indian pilots sent ahead to inspect the jam. After a walk of a mile down the bank they returned and reported that the channel was open. Advantage was taken of the stop to put the rudder in good condition, and at 3.10 the boat renewed her journey, reaching the wood yard, twenty-three miles below Forty Mile, at 5 o'clock, where a supply of wood was taken on and the boat remained for the night.

The next morning (Sunday) at 6 o'clock the steamer proceeded on her way. The mouth of Boundary Creek, thirty-five miles below Forty Mile, was passed at 8 o'clock. At this point the boundary line between American and British territory crosses the Yukon, intersecting the river at nearly a right angle. The line is distinctly marked by a strip cut through the timber from the river bank to the summit of the mountain on either side. At 10.30 the rudder again became unmanageable, and in spite of all the pilots could do the boat ran her nose into the bank; but no damage was done, and she got off into deep water almost immediately. At 1.40 we passed two men in a small boat, fighting their way through the ice, on the way to Fort Yukon, and at 2 we passed two more men who had adopted the same means of getting to the food supply.

At 3.25 p. m., at a point about sixty-five miles above Circle City, the boat ran on a sandbar in the middle of the river, with 200 yards of

swift water full of running ice on either hand. She swung around broadside to the bar and stuck there for forty-nine hours, during all of which time the ice was coming downstream at a speed of five miles an hour and pounding with terrific force against the upper side of the hull. The pressure of the current against the boat pushed her high up on the bar, forming a ridge of gravel at the lower side that was visible above the surface of the water amidships for a distance of twenty feet.

This accident furnished a striking example of the stupidity and unreliability of Indian pilots, and proved conclusively that they are not good readers of water. The captain, who had been in the pilot house all day anxiously watching the course of the boat and assisting the pilots over the bad bars, was forced to leave his station for a few minutes, and had hardly turned his back on the pilot house when the accident occurred. At this point the river is about 500 yards wide, having a channel on either shore, with an expanse of comparatively slack water in the center, which would indicate to anyone at all familiar with the river the existence of a bar. The boat had been following the left-hand channel, which was broad and deep; but the pilot attempted to run the boat across the head of the bar into the right-hand channel, the natural consequence being that she struck the bar, broadside on.

The crew were immediately set to work to spar the vessel off the bar. This operation consists in planting a spar (a twenty-five-foot spruce log, twelve inches in diameter) on the bed of the river, at the lower side of the bow, and rigging a block and tackle on the upper end, attaching the rope to the capstan, and then by the application of steam power swinging the boat gradually upstream. When she has been worked up as far as the first spar will carry her, the other spar is used in like manner, and the operation repeated until the bow is straight upstream, when the engines are started forward and a slight application of power by the capstan swings the boat around so that the current catches the bow and throws her off into deep water. This is an exceedingly tedious process, even under the most favorable circumstances, but owing to the great pressure exerted by the swift current against the upper side of the boat it was exceptionally so in this case. The bow would no sooner be swung upstream twenty or thirty feet than a pulley hook would break or straighten out, and the boat would be thrown by the current back to her original position. During Monday several pulley hooks were thus straightened, and at 11 o'clock in the forenoon one of the spars was broken, and as it was impossible to work with one spar it was necessary to send men ashore in a small boat to secure a new one, a very dangerous undertaking on account of the condition of the river. A half day was lost in this work, and the new spar had hardly been set when the second old one broke, and still another new one had to be brought from shore. At this stage night set in, but little progress having been made, and the outlook was very disheartening. It was thought by many, even the captain sharing in the opinion, that it would

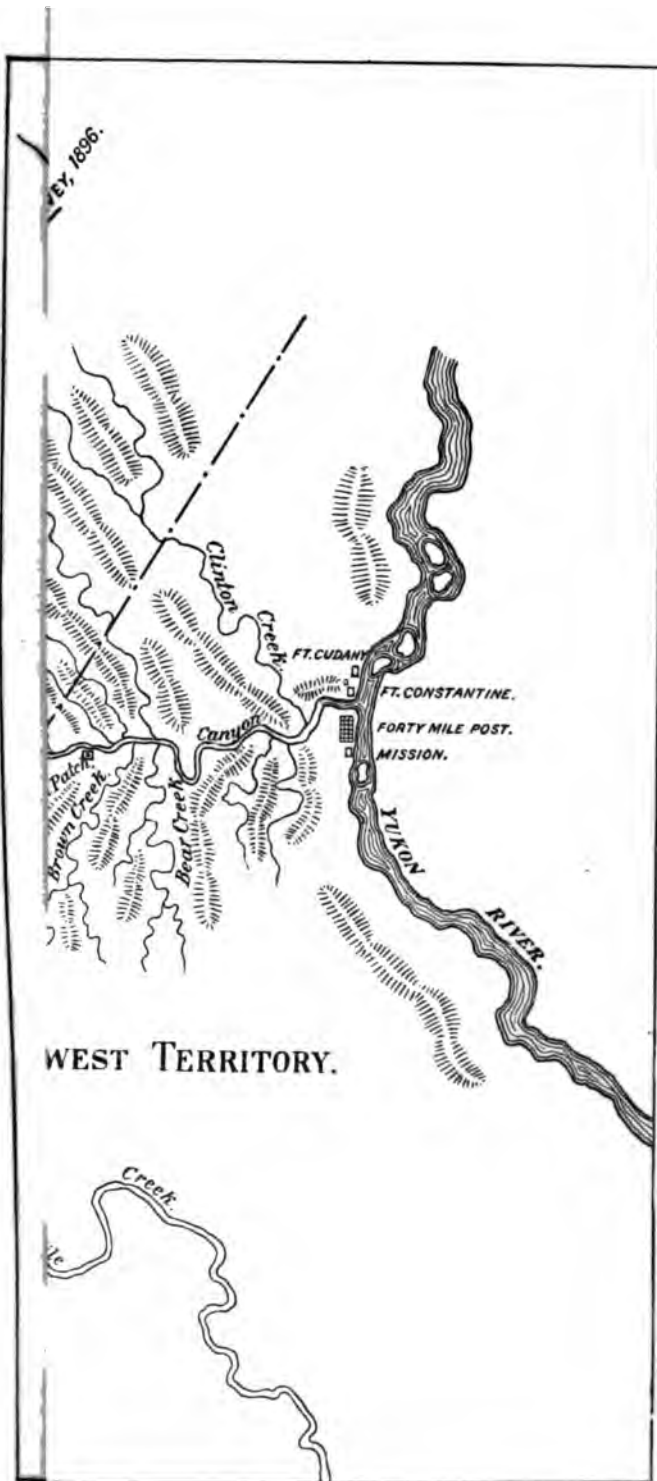
be necessary to abandon the steamer and go down the river on rafts, there being but two or three small boats available. Fortunately the ice was decreasing rapidly, both in volume and hardness; if it had increased to the quantity which was passing down the river during the tie up at Forty Mile, the boat would undoubtedly have been cut to pieces. During the afternoon an immense cake of ice, which was recognized by all as that which had been cut from the channel at Forty Mile, was discovered approaching the boat. It just cleared the hull, but struck the wheel, giving the boat a terrific jar and carrying away one of the blades of the wheel, and then passed on without doing further damage.

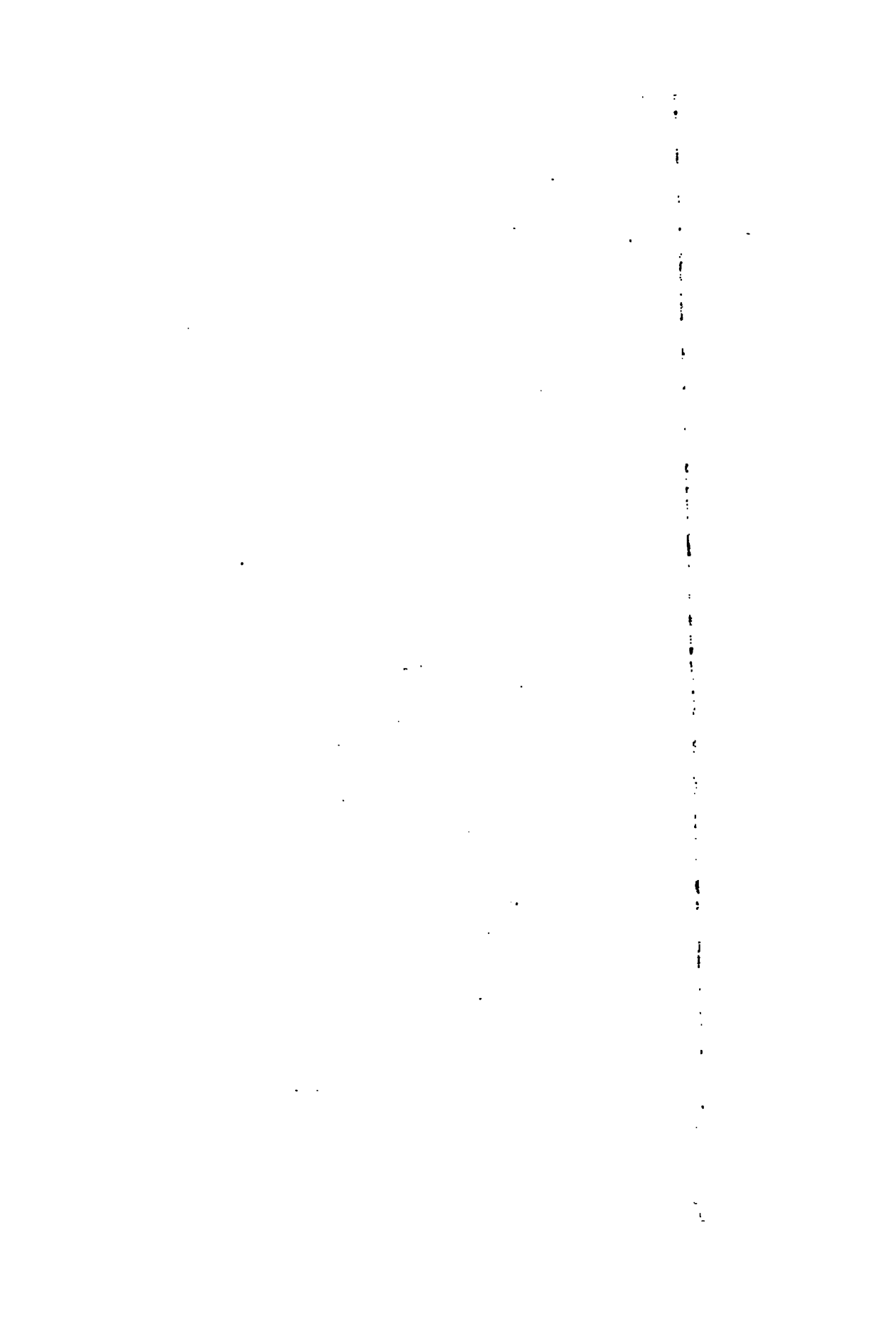
During Tuesday forenoon considerable progress was made, the bow having been swung upstream about 45 degrees at 12 o'clock. At 4.30 in the afternoon the boat pointed straight upstream, the engines were started and one more pull on the capstan sent her off into deep water, where the swift current caught her and sent her on the way to Circle City, with a very happy crowd aboard. But the troubles were not yet over, for the steamer had gone only a mile or two when the suction pipe of the well again froze up and a landing was made for the night. At 10 o'clock that night a scow from Dawson, in charge of an Indian pilot and containing twenty-one men, hove in sight and tied up just below the steamer. This scow had left Dawson fifty-two hours before, and by traveling day and night had made a distance of 240 miles. The captain offered to take the passengers from the scow aboard, but after hearing the story of the *Bella's* troubles they decided to stick to the scow, and proceeded down the river at once. As afterwards learned, they traveled all night and reached Circle City at 10 o'clock the next morning, and thence passed on to Fort Yukon.

The next morning the steamer got under way at 6 o'clock, and at 1 p. m. she reached Circle City, having been thirteen days in making 300 miles, and having furnished to all her passengers enough experience in navigation of the Yukon to thoroughly satisfy the most adventurous. Here it was ascertained that the river had closed this side of Fort Yukon, and the *Bella* went into winter quarters in a slough just off the upper end of town, while most of her passengers passed on to Fort Yukon in small boats, a few remaining in Circle City for the ice to form before proceeding to that point.

FORTY MILE.

The first discovery of gold in American territory in the Yukon Valley was made in 1886 at Franklin Bar, on Forty Mile Creek, thirty-five miles above its mouth. This creek, which is about 250 miles long, received its name from the fact that it enters the Yukon forty miles below old Fort Reliance. The first steamboat that came up to Forty Mile post arrived there July 27, 1887, at which time eighty-five men were at the mouth of Forty Mile Creek, subsisting almost entirely on





fish, which they caught with nets. The mines produced between \$200,000 and \$300,000 the first season, and in the winter of 1887 there were about 115 men in the district. Forty Mile district has been very productive, nearly every creek that has been prospected thoroughly yielding gold in paying quantities.

Franklin Gulch has produced a great deal of gold and is still yielding good returns. In 1888 about 100 men, working on the bars, took out from \$2,000 to \$3,000 apiece.

In 1893 Miller Creek, which has been the best producer in the district, yielded about \$300,000, a space of ground 30 by 100 feet having produced \$35,000. It has continued to yield large returns, John Miller having taken \$55,000 from his claim during the season of 1896. This creek is a tributary of Sixty Mile Creek, but is in the Forty Mile district. During the seasons of 1896 and 1897 quite a number of men took out from \$3,000 to \$8,000 apiece on Miller Creek.

Glacier Creek, so named from the glacial formation, is a comparatively rich creek, but great difficulty has been encountered in working the claims on account of the ice. The creek bed is practically a glacier, the water in many places running through solid blue ice.

Walker's Fork and Napoleon and Davis creeks, all tributaries of Forty Mile Creek, have many good claims.

Chicken Creek, which was discovered two years ago, and which is in American territory, is the best creek in the district. It enters Forty Mile Creek about 150 miles above its mouth. The ground is rich, but irregular, and consists of both winter and summer diggings. The claims on Chicken Creek are 1,320 feet long, but on all other creeks in the district claims are 500 feet long, local mining regulations prevailing. Fifteen men are working on the creek this winter (1897-98).

At the time of the strike in the Klondike there were between six and seven hundred men in the Forty Mile district, most of whom had deserted the creeks and gone to the new gold fields by spring, there being now only thirty or forty men working in the district. There are many creeks that can be worked profitably with wages at \$10 a day. Those claims which are being worked at present are operated on the basis of \$1.50 per hour, as men can not be secured for less wages. The cost of living in the mines is practically the same as in the Klondike district, the charge for summer freighting to the mines ranging from 40 to 50 cents a pound, according to distance, and from 8 to 10 cents for winter packing. The trail, like all trails in this country, is indescribably bad.

As is the case throughout the mineral zone, which extends for 1,000 miles through the Yukon basin, there are many creeks in this district which can not be worked profitably under present conditions, but which will furnish employment to thousands of men for a long period of years when improved transportation facilities enable them to procure supplies at reasonable prices. This is especially true of the North Fork of Forty Mile Creek and its tributaries, all in American territory, where there

are large areas of placer ground that will yield from \$7 to \$10 a day to the man, and which under the application of hydraulic processes will eventually produce many millions. There is also a great deal of quartz of a very promising character on the North Fork. A conservative estimate of the output of Forty Mile district to date places it at \$3,000,000.

The town of Forty Mile occupies a level tract of land on the west bank of the Yukon and the south bank of Forty Mile Creek, and faces both streams for a distance of half a mile or so. The site is a most eligible one, having perfect drainage, the only drawback being that at the highest stages of water it is liable to overflow in places to a depth of a foot or more. The town contains about 200 cabins and twenty or thirty larger buildings, a few of which are two stories in height. The store and warehouses of the Alaska Commercial Company are the principal buildings in the place, and the company has a large and comfortable two-story house, used as living quarters by their employees. In the fall of 1896 the town had a population of about 500, but by spring nearly all had gone to the Klondike, and the white population at the present time does not exceed twenty-five or thirty.

A mile above the town is situated the mission of the Church of England, in charge of Bishop William Bompas, who established the present mission in 1892. Previous to his arrival here the bishop was engaged for over twenty years in missionary work among the Indians on Mackenzie River. He has a corps of assistants, and is doing good work among the native and half-breed children, having a school with ten or fifteen scholars in daily attendance.

On the opposite side of Forty Mile Creek, facing the Yukon, is located Fort Constantine, the headquarters of the Northwest mounted police, which was established in 1895. The post at the present writing is garrisoned by about twenty members of the force. The barracks consist of a half dozen substantial buildings, forming a hollow square, and are surrounded by a high stockade.

A quarter of a mile farther north, fronting on the Yukon, is Fort Cudahy, the headquarters for this section of the North American Transportation and Trading Company. The buildings are the largest and finest on the river, with the exception of the new establishments of the two commercial companies at Dawson.

Both companies have very meager stocks of goods at Forty Mile, having been unable to furnish their regular customers with full outfits for the winter, many being forced to go down the river for provisions. This is no new state of affairs here, there having been a shortage of supplies, more or less serious, every year since the settlement of the district. In 1889 ninety-two men were forced to leave Forty Mile for the winter on account of the scarcity of provisions, taking passage October 10 on the steamer *New Racket* (now known as the *Pelly* and in retirement at Fort Selkirk) for various points below. Some stopped at Rampart City and others at Nulato, while the majority went all the

way to St. Michaels, spending the winter there and returning on the first boat in the spring, being obliged to sled sixty or eighty miles to get to the steamer. Thirty-five men wintered on Forty Mile Creek and its tributaries. An old pioneer who passed the winter there furnished the following statement: "I left the post for Franklin Gulch in the fall with fifty pounds of flour. Some men had from two to three hundred pounds of flour, but that was far above the average, and we had to stint ourselves. The winter was mild, 64 degrees below zero being the lowest temperature recorded. The hunting was good, and we had plenty of moose and caribou; so there was not much suffering. We had no lights, no candles, and no oil. We were fortunate in having a good supply of ruta-bagas, grown at Forty Mile post during the previous summer. They cost us 10 cents a pound there, and we paid 10 cents a pound to get them up."

Wages in Forty Mile are \$10 a day for all kinds of labor. Before the Klondike strike wages were \$6 a day in town and \$10 in the gulches. Wood costs \$24 a cord, ready for the stove. Prices in the stores range about the same as at Dawson, with very few exceptions.

The town of Forty Mile is in Northwest Territory, but up to 1896 it was supposed by the miners that all of the principal creeks in the district were in Alaska. In the winter of 1895-96 Mr. William Ogilvie, the surveyor for the Dominion Government, completed the survey of the boundary line in this vicinity, the result of which showed that many of the best creeks are in Northwest Territory. The following notice, issued on the completion of the survey, is self-explanatory:

Notice is hereby given that the following gold-bearing creeks, or parts of creeks, have been found by astronomical survey to be within the Dominion of Canada, and therefore subject to Canadian jurisdiction and the laws of the Dominion of Canada:

Gold Creek.

Glacier Creek.

Miller Creek.

All but one mile of Bedrock Creek.

Moose Creek.

First fork of Moose Creek.

Twenty-three miles of Forty Mile River.

One mile of the three heads of Smith Creek.

One mile of the several heads of Canyon Creek on the east side of the main stream.

About one mile of Davis and Poker creeks, branches of Walker Creek.

The boundary line has been plainly and unmistakably marked by cutting through the woods down to and up from the creek beds to the hilltops, and on the hilltops and other points where stones were convenient cairns of stone are erected, with stakes in them, to mark that portion of the line.

Dated at Fort Constantine this 15th day of May, 1896.

C. CONSTANTINE,
For Dominion Government.

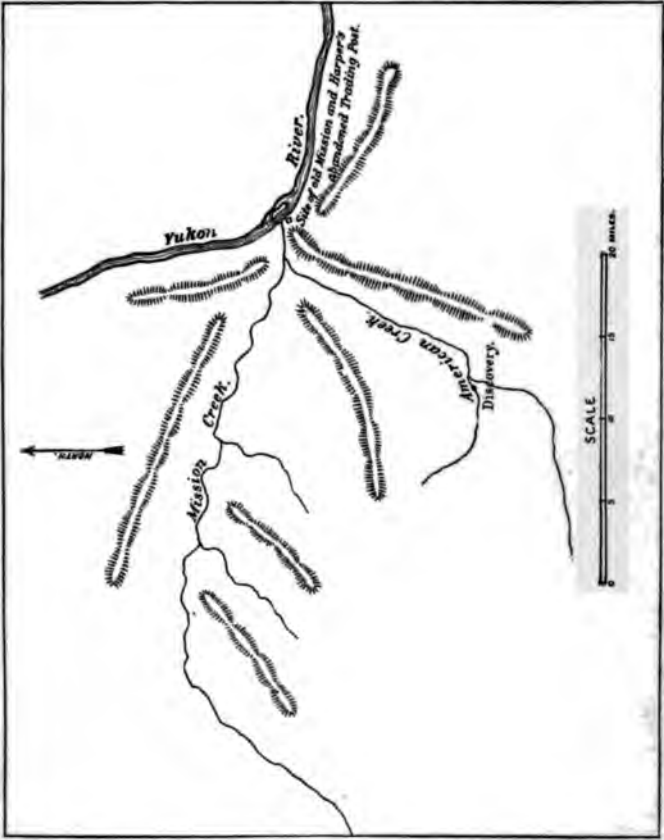
Mr. Ogilvie's determination of the boundary line is accepted by the miners of the district as final.

AMERICAN CREEK, SEVENTY MILE CREEK, AND MINOOK CREEK DISTRICTS.

In 1895 gold was discovered on American Creek, a tributary of Mission Creek, which enters the Yukon from the west forty-five miles below Forty Mile. American Creek, which is about twenty miles long, flows into Mission Creek from the south at a point two miles above the Yukon, and is in American territory. The original discovery was made about six miles above the mouth and the creek was located to the forks, six miles above Discovery. ^(a) It was found impracticable to work the main creek on account of the difficulty of controlling the water, several washouts occurring during the early summer. It was therefore abandoned, and both forks were located for a distance of four miles above their confluence. The claims on American Creek are 1,320 feet long, and during the past season seven of these were worked, almost exclusively by the owners, only two or three men being employed for wages, which were \$15 per day. The yield was about \$20 a day to the man, and the creek produced between \$15,000 and \$20,000. On the main creek, from the mouth to the canyon, a distance of four miles, the ground is about six feet deep, but above the canyon it is shallower, running from two to four feet. The main creek for its entire length gives promise of proving very productive under hydraulic processes. On the benches there are gravel banks 200 feet in depth, which show colors wherever prospected. There is an abundant supply of water and good grade and dump. American Creek gold is worth \$18.85 per ounce.

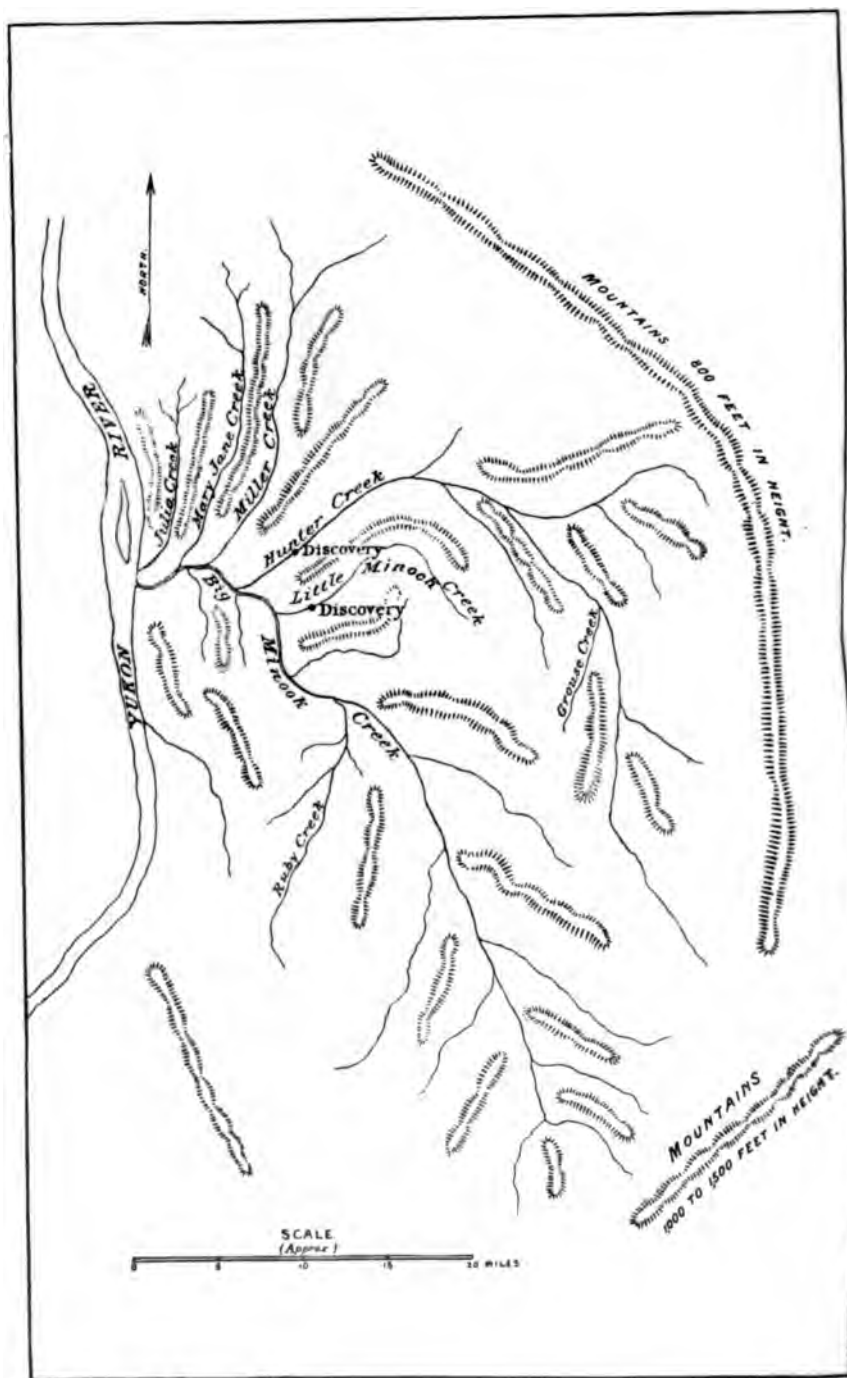
Seventy Mile Creek, which is about 150 miles long, flows into the Yukon from the west, seventy miles below Forty Mile, from which fact it takes its name. Gold was discovered on this creek in 1887, at a point about thirty-five miles from the mouth. During the summer of 1888 several men took from the bars, with rockers, \$50 a day apiece. Fifteen men were employed there last summer, and they report good results, probably averaging \$2,500 apiece for the short season. It is very difficult to get supplies into the Seventy Mile diggings during the summer, owing to numerous falls and rapids in the creek, which make it almost impossible to ascend it in boats and necessitate the packing of provisions over a bad trail. The miners, therefore, sled their supplies up during the winter. The claims are 1,320 feet in length, and the creek is located for a distance of five or six miles. There are also a few locations ninety miles from the mouth. The creek and its tributaries have merely been prospected in the most superficial manner, but enough is known of the locality to justify the prediction that it will eventually prove, under hydraulic methods, one of the most productive

^a This does not agree with the accompanying map, but the author who furnished both map and text being still in Alaska it is impossible to reconcile the differences. The map, however, is believed to be correct.



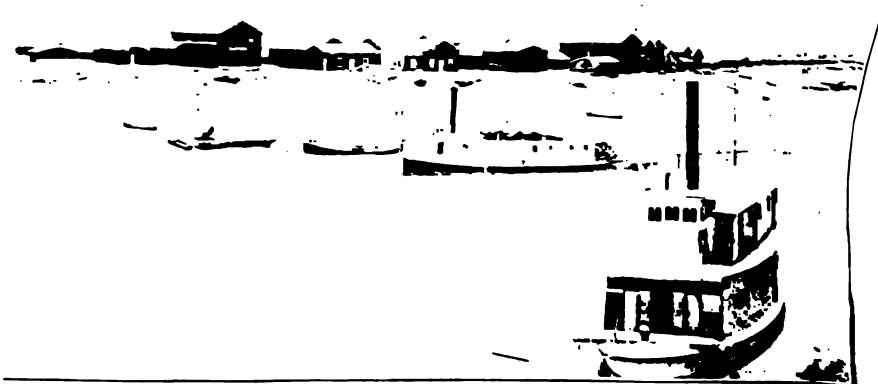
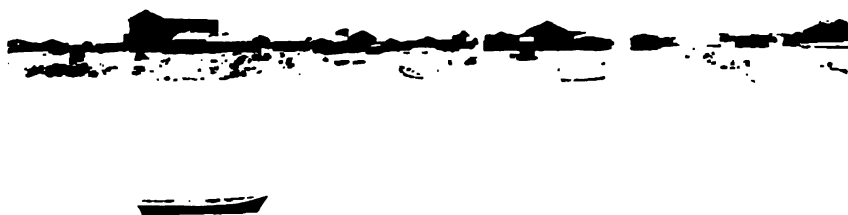
AMERICAN CREEK DISTRICT, ALASKA.





MINOOK CREEK DISTRICT, ALASKA.





CIRCLE CITY, ALASKA.
(The three parts united form the complete picture.)

districts on the Yukon. There is a great deal of quartz on the head waters, in the zone which extends across the divide from the North Fork of Forty Mile.

Minook Creek, which flows into the Yukon from the south fifty miles above the Tanana, was discovered in 1894. The best ground in the district, so far as known, is located on Hunter Creek, which comes into Minook from the east about five miles above its mouth. Hunter Creek is located for about fifteen miles. Little Minook Creek, flowing into Minook Creek a mile above Hunter Creek, is located for three miles. The claims are 500 feet long on all creeks except Little Minook, where they are 1,000 feet. Very good reports have been received from the Minook district, but no authentic information is at hand as to the value of the prospects. Some sales of claims at prices as high as \$5,000 apiece have been reported. A large number of people stopped off at Minook during the past summer on learning of the shortage of provisions at upriver points, and many returned to that place from Fort Yukon. There are about 500 men spending the winter there, and it is probable that by spring it will be known definitely whether the district is as rich as the rumors indicate it to be.

CIRCLE CITY AND THE BIRCH CREEK DISTRICT.

Circle City, the most important town in northern Alaska, is situated on the west bank of the Yukon, about eighty-five miles in a direct line from the boundary between American and British territory, the distance to the boundary line by way of the river being 205 miles. The Yukon Flats stretch away to the northwestward 400 miles, having a uniform width of about the same distance, and presenting an almost unbroken expanse of hills and prairies as large as the States of Illinois and Indiana. The town is the distributing point for supplies for the Birch Creek mines, the richest and most extensive placer diggings in Alaska. It is the best built town on the Yukon, having about 300 comfortable cabins and quite a number of two-story buildings.

The Alaska Commercial Company has a large establishment here, consisting of a store building two stories in height, 30 by 52 feet, constructed of logs; two warehouses, one 30 by 100 and the other 50 by 100 feet, both being built of corrugated iron, and a log dwelling house.

The North American Transportation and Trading Company, which located here in 1895, also has fine buildings, the store being a sawn-log structure 22 by 70 feet. Three warehouses are owned by the company, one 24 by 70 feet, built of rough lumber, and the other two 30 by 72 feet each, constructed of corrugated iron. One of the latter is still without a roof, the carpenters having deserted the work in the latter part of September, 1896, to go to the Klondike. Their dwelling house, the best building used for the purpose on the Yukon, is a structure of sawn logs 30 by 40 feet and two stories in height, costing about \$7,000.

There is a log schoolhouse, 24 by 32 feet, which was built in 1896 by the citizens through private subscription, at a cost of \$1,600. During the winter of 1895-96, before the construction of the schoolhouse, a teacher was employed by the citizens at a salary of \$100 a month, the school being held in a rented building. Last winter school was conducted in the new building by the Government school-teacher, there being from twenty-five to thirty scholars in attendance, four of whom were white, six or eight half-breed, and the remainder Indian children. On account of the depopulation of the town, through the stampede to the Klondike, the teacher was withdrawn during the past summer, and the town is now without a public school, although there are some twenty children of school age here. A number of these are cared for by the Episcopal Mission, in charge of Rev. J. L. Prevost and his wife, assisted by Miss Elizabeth Dean, deaconess. This mission is doing good work among the native and half-breed children, and the influence of its missionaries is felt throughout the community. Religious services are held at the mission every Sunday morning, with a fair attendance.

Last spring Hon. John E. Crane, of Chicago, was appointed United States commissioner for the district of Alaska, and assigned to duty at Circle City. He arrived here in July, and qualified October 2, 1897, giving to the community its first taste of judicial authority.

In addition to Commissioner Crane the Government is represented here by the following named officials: Charles Smith, deputy collector of customs; Charles I. Roth, inspector of customs; Capt. George W. Dunn, deputy United States marshal; J. R. Dodson, deputy collector of internal revenue, and L. N. McQuesten, postmaster. The Government buildings at Circle City are shown in the illustration.

The town site of Circle City was staked on June 20, 1894, by Robert J. English and Barney Hill, the former from Forty Mile and the latter from the temporary trading post of McQuesten & Co. These gentlemen had visited the Birch Creek mines, and being impressed with their richness and extent decided to locate here, considering it the most eligible point from which to distribute supplies to the mines. The town was given the name it now bears under the false impression that it was on the Arctic Circle. As subsequently learned, it is about forty miles south of the circle.

McQuesten & Co. had established a trading post the previous summer on the Yukon, about twelve miles above the present site of the town, and removed to this point in the fall of 1894. Mr. L. N. McQuesten, the senior member of the firm, and in charge of the business here, had so much faith in the new gold fields that he gave credit to the miners to the extent of about \$100,000 during the winter of 1894-95. Most of the stock was at Forty Mile, and the miners were obliged to go to that place for their outfits or have them freighted down at a cost of \$12 a ton. The mines turned out so well that the firm collected practically all of their bills during the fall of 1895. Mr. McQuesten, who is



GOVERNMENT BUILDINGS, CIRCLE CITY, ALASKA.

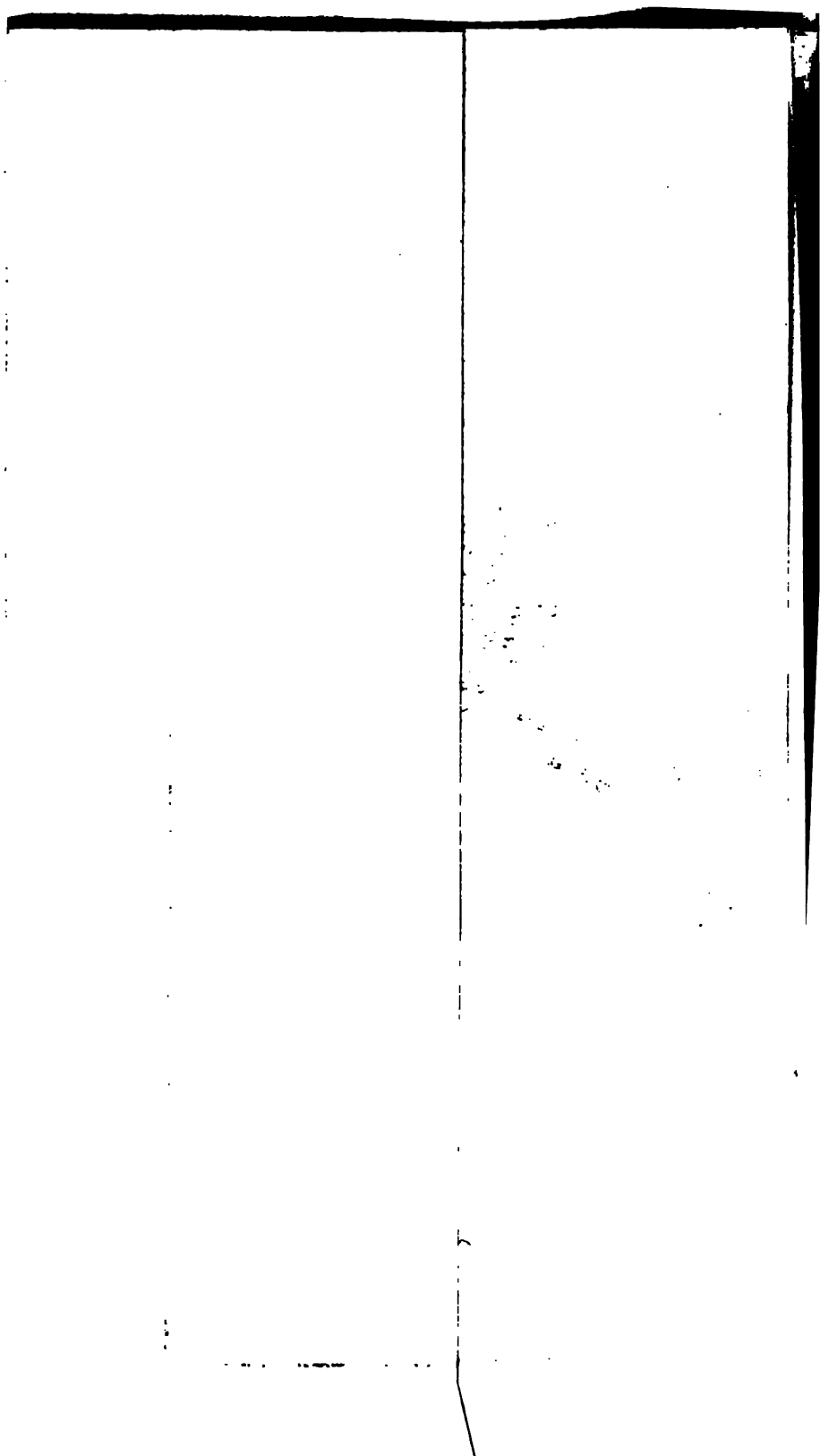


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WILEY & SONS
NEW YORK



throughout the Yukon Valley as "Jack" McQuesten, has been on the Yukon since 1873, in which year he came over the mountains from the Mackenzie and down the Porcupine. He traded with the Indians on the lower river for some years and then located at Reliance, six miles below the Klondike, where he remained 35. In 1886 he established a trading post on Stewart River, and in the winter of 1886-87 in California, receiving while there the discovery of gold on Forty Mile Creek the previous summer. He returned in the summer of 1887 and established a trading post at Forty Mile, where he has continued in business until the present. In 1896 the Alaska Commercial Company assumed control of the establishments at Forty Mile and here, Mr. McQuesten retaining his interest in the business. Mr. McQuesten is spending the present winter in California. He is a native of Maine, and is a typical frontiersman, standing over six feet in his moccasins, and being built in proportion. He is beloved by the miners, and is called by them the "Father of the Yukon." They bear universal testimony to his large-heartedness and generosity and attribute the development of the Yukon gold fields to his farsightedness and his unselfishness in giving them credit, enabling them to tide over bad seasons.

Creek is about 350 miles long. The North Fork has its source in the Katzev Mountains, 100 miles west of Circle City, flowing to the westward some fifty miles, and then to the eastward eighty or ninety miles, completing as Birch Creek proper an almost perfect semicircle at about eight miles west of Circle City, and thence flowing parallel with the main river for 150 miles, emptying into the latter stream thirty miles above the mouth of the North Fork. The South Fork, flowing in a northeasterly direction, joins the North Fork sixty miles southwest of Circle City. The first discovery of gold by white men in the Birch Creek district was made on August 10, 1893, at a point on Birch Creek a few miles above the mouth of South Fork, now known as Pitka's Bar. The discovery was made by Henry Lewis, John McLeod, and Gus Williams, who came down from Forty Mile during the preceding month with a view of prospecting in this locality, having learned that an Indian, Pitka, had taken out some gold at the point above named during the summer of 1892. Twenty-five or thirty men from Forty Mile followed Lewis and his companions during the fall of 1893. During the winter of 1894 \$10 a day to the man was made on Pitka's Bar. On the 1st of the same year a discovery was made on Mastodon Creek by Minnaley and John Gregor, and on the 22d of that month good gold was found on Independence Creek by some of the men who came down from Forty Mile the previous fall. The discoveries on Birch Creek and Independence were creek diggings and the claims there proved very productive.

Independence is the best creek in the district, having yielded more than half of the total product of the Birch Creek mines, and will soon

become known to the world as one of the richest placer gulches ever discovered. There are fifty-nine claims on the creek, but many of them are lying idle on account of the difficulty in getting miners. The output last summer was \$260,000, eighteen claims being worked, with 200 men employed. The period of active mining operations was about sixty days. The claims could have been worked longer, but as soon as the miners accumulated a "grub stake" they left for the Klondike and elsewhere to prospect. There is an abundance of water on the creek, it never getting below a sluice head. Mastodon has been known locally for two or three years to be the best creek in Alaska, but until the past fall it had not been thoroughly enough prospected to warrant a positive statement as to its richness and extent. Eight holes have recently been sunk to bed rock on Discovery and No. 1 above, which show an average of ten feet of gravel that will run 25 cents to the pan, as high as two ounces having been taken out of a single pan. The pay streak is 1,100 feet wide, so far as known, and may be much wider. These two claims will run from \$1,700 to \$4,000 to the box length. Active developments on the claims above and below Discovery indicate that for two miles the pay streak runs from 800 to 1,000 feet wide and that the ground for this entire distance will average \$1,700 to the box length. The prediction is here made, based on authentic information, that the ten miles of ground on Mastodon and Mammoth (which are one creek except in designation) already prospected will eventually produce as much gold as any successive ten miles on Bonanza, while the ten claims on Mastodon, from 4 below to 5 above Discovery, inclusive, will without doubt prove as productive as any ten claims on Eldorado, taken in their numerical order. Furthermore, on account of the even distribution of the gold in the Birch Creek district, the output here, extending over a longer period of time and employing larger numbers of men, will be of incalculably greater economic benefit to the community than the more phenomenal production of the creeks in the Klondike district.

Independence Creek has twenty-nine claims, which yield about an ounce per day to the man. The creek was not worked extensively during the past season, as miners could not be secured, only two or three claims being operated, with seven men employed, and producing about \$7,000.

Mammoth Creek, which is formed by the junction of Mastodon and Independence, and empties into Crooked Creek, is about five miles long. This creek, which was discovered in 1894, has been opened in three different places, and paid \$8 to the man, shoveling in. It was abandoned and relocated for hydraulic operations. Capt. John J. Healey owns two claims on the creek, Henry Lewis four, and Kinnaley & Gregor seven, all of twenty acres each. There is an ample supply of water, with good grade and dump, and when hydraulic machinery can be procured the creek will be a great producer.

Deadwood Gulch, located in 1894, has forty-seven claims, eight of

which were worked during the past summer, employing 110 men and yielding about \$100,000. The pay streak is about thirty feet wide, and although somewhat spotted, the ground is very rich.

Miller Creek has sixty-four claims, nine of which were worked last summer, producing \$30,000. Forty men were employed for about sixty days to secure this output.

Eagle Creek, discovered in 1895, has forty-six claims, only four of which were worked during the past summer on account of the scarcity of miners, producing \$75,000, with seventy-five men employed. All of the claims on this creek can be worked profitably at the prevailing rate of wages. Owing to the difficulty of reaching Eagle Creek with supplies, \$12 a day is paid for labor there, \$10 being the rate of wages on all of the other creeks in the district.

Gold Dust Creek has sixty claims, all of which were abandoned during the Klondike stampede. These were all subject to relocation during the past fall, and have been restaked.

Harrison Creek is thirty miles long, and contains about 100 locations, the claims being 1,320 feet long. It has been relocated, and would have been worked during the past season if it had not been for the stampede. There is probably not a claim on the creek that would not yield \$8 to the shovel under present conditions, and as there is an ample supply of water and good grade it will eventually produce many millions under hydraulic processes.

Porcupine Creek is about the same length as Harrison, and in 1896 had quite a number of claims 1,320 feet in length, having been located for hydraulic purposes. It was abandoned, and is subject to relocation.

Lower Coal Creek, on which a discovery was made in 1895, enters the Yukon from the west, fifty miles above Circle City, and is about thirty miles long. There were fifteen or twenty 1,320-foot claims on the creek in 1896, but they were abandoned, and are now subject to relocation. There is a fine vein of bituminous coal on this creek, three miles from the Yukon. The coal burns well, producing a fine ash, entirely free from clinkers, being far superior to the Puget Sound coal brought into the country by the transportation companies.

The claims on Mammoth, Harrison, Porcupine, and Lower Coal creeks are 1,320 feet in length, having been located under the United States law for hydraulic purposes, but all the other creeks in the district have claims of 500 feet, the limit prescribed by the local mining regulations. As the United States law now prevails in the district, it is probable that henceforth locations on newly discovered creeks will be for the full twenty acres allowed under the law.

There are a large number of creeks in the Birch Creek district which run from \$6 to \$10 per day to the man, and which, of course, can not be worked at the prevailing wages and under present processes, but which can be profitably operated by means of hydraulic appliances.

The gold produced by the Birch Creek mines is very coarse, many

nuggets running from a quarter of an ounce to four or five ounces having been secured. The quality of the gold is better than that of any other district on the Yukon, with the possible exception of Minook, running from \$16 to \$19 per ounce, Eagle Creek gold assaying up to the last-named figure. The average for the district is about \$17.20 per ounce, while the average for the Klondike falls below \$16, Eldorado gold, which contains much silver and base material, running but \$15.25.

The ground in most of the gulches is quite shallow and easily worked; but on Mastodon, Independence, and one or two other creeks there are also good winter diggings, and drifting is carried on there actively during the cold weather.

Preacher Creek, which enters Birch Creek about sixty miles from Circle City, is 150 miles in length and has been prospected but little. Mr. Wilson, in his Guide to the Yukon Gold Fields, makes the following interesting statement relative to this creek: "The creek was named after a preacher who made an exploration trip of some length in search of fossils. It is reported that he found high clay banks some seventy miles from its mouth. These banks were about 300 feet high and overlaid a layer of driftwood some 200 feet down. Much of this driftwood was well preserved and of much larger dimensions than any growth in the country at present, some of the trees being fully four feet in diameter. The creek is constantly undermining its banks, thus bringing down great slides of clay and wood which completely fill the creek at times. This goes to prove beyond a doubt that the great Yukon Flats were at one time a vast lake, much larger than any fresh-water lake existing to-day."

The mines are from forty-five to eighty miles from Circle City, and the trail, which crosses Birch Creek about eight miles from town, thence following that stream and Crooked Creek to the mines, is almost impassable in the summer time. The description of the Bonanza trail, given in the section on the Klondike, applies equally well to the Birch Creek trail, with the addition of the reluctant admission that the Birch Creek mosquitoes are somewhat larger and incalculably more numerous than the Klondike variety—a fact ascertained by taking the consensus of opinion of a number of unfortunates who have been tortured by both. The rate for summer packing to Mastodon (sixty-five miles) is 40 cents per pound, the winter rate being 15 cents. Dog teams make the round trip in five days, the sleds being loaded with 200 pounds to the dog. The winter trail is generally open by the 15th of October, and sledding lasts until about the 10th of May. Previous to the Klondike stampede thirty or thirty-five horses were used for packing to the mines, but they were withdrawn for freighting between here and Dawson and have not since been in use on the Birch Creek trail.

At the time of the Klondike strike there was a population of about 1,000 in Circle City and the Birch Creek district and the town was in an exceedingly prosperous condition. The mines had produced nearly

\$1,500,000 during the season of 1896 and as a consequence money was plentiful. All lines of business were doing well and twelve saloons were in full blast. When the news of the great strike reached Circle City nearly everybody caught the Klondike fever. Saloon keepers closed their saloons, gamblers folded up their lay-outs, carpenters dropped their tools in the midst of their work, and all rushed off to the new diggings, many neglecting even to lock their cabin doors. During the winter some eight or nine hundred men took their departure for Dawson and by late spring there were not more than fifty people, mostly women and children, left in the town. A few went up on the last steamer, but the vast majority were obliged to make the journey on the ice. As heretofore stated, there were about thirty-five horses in the district, employed in packing to the mines, and these were pressed into service, sleds being used to carry supplies. Dog teams were secured when obtainable, the price of dogs ranging from \$100 to \$200 apiece, while some drew their sleds themselves. The distance of 300 miles was usually made in from 20 to 30 days. The rate for freighting from Circle City to Dawson during the winter was \$1 per pound.

A number of old Birch Creek miners have struck it rich on the Klondike, but many of the unsuccessful ones have returned to Circle City, and more will follow during the winter, their disappointment tempered by an abiding faith in the future of the Birch Creek district. Careful inquiry has elicited a fact which is too significant to be omitted in this connection. Of the first half million dollars in gold dust put in circulation in the Klondike district, fully 80 per cent was carried there by miners from Forty Mile and Circle City, by far the larger proportion having been taken from this place by successful Birch Creek miners for investment in Klondike properties. A conservative estimate of the total output of the Birch Creek district places it at \$3,500,000.

As the Government had never considered this section of Alaska of sufficient importance, up to the past summer, to give it a judicial officer to administer the laws, the citizens were forced to take the matter into their own hands. When an infraction of the law was committed a miners' meeting was called to try the offender. A chairman and jury were selected by ballot, the defendant being allowed to choose an attorney and to challenge for cause, and the proceedings were conducted as nearly in conformity with the rules of law and evidence as the somewhat limited court experience of the participants would permit. This temporary organization was in no sense a vigilance committee, no occasion ever having arisen here for the formation of such a body. There is no town of its size in America that has a better record than Circle City as a law-abiding, justice-loving community. During the three years and a half of its existence there have been but two homicides committed, one of which was clearly in self-defense, and there have been but two trials for theft. The punishment prescribed for murder was hanging, and the penalty for theft was immediate departure from

the country, never to return on pain of death, the miners themselves furnishing the means of transportation and subsistence to the coast. There have been one or two trials for infraction of the moral law, which resulted in each case in exact justice being meted out. The citation of one case of this kind will furnish a striking illustration of the effectiveness and celerity with which a Circle City miners' meeting could repair a wrong done to a helpless woman. The plaintiff charged the defendant with seduction under promise of marriage. The case was tried with due formality, after the exclusion from the room, on the motion of a considerate miner, of "all children of tender age." At 5 o'clock in the evening of the second day of the trial the jury brought in the following verdict:

We, the undersigned jurors, in the case of Alice Doe, plaintiff, and Richard Roe, defendant, find the defendant guilty as charged, and order that said defendant marry Alice Doe, or, in failure to do this, he be fined \$1,500 and imprisoned one year in a prison in Circle City, and, in case of failure to pay the said fine, the term of imprisonment be extended to two years; and it is further ordered that the defendant be immediately placed under arrest and placed in charge of the bailiff until the conditions of the verdict are complied with.

The meeting then adjourned for two hours. On the reassembling of the meeting at 7.30 the chairman stated that the marriage contract had been witnessed, and that the jury and all officers connected with the case were honorably discharged, and after the adoption of a motion tendering a vote of thanks to the ladies of Circle City for the support and assistance given the plaintiff during the trial, the meeting adjourned. When it is considered that at the time of this meeting there was no jail in Circle City, and that if the defendant had chosen the alternative of imprisonment the expense of providing a jail and maintaining the prisoner for two years would have fallen on the miners themselves, not only the Draconian justice of their action, but their self-sacrificing devotion to principle becomes apparent.

The following succinct entry from the records of Circle City indicates how easy it was for a miners' meeting to settle a dispute as to the ownership of property:

Meeting, September 20, 1896. Stella Wingood v. Mr. Holden.

Miss Stella Wingood states that Mr. Holden has her clothing and refuses to give it up. Chair appoints Mr. Lester to bring Mr. Holden before the meeting. Mr. Holden sent word that he would not come. Moved and seconded that a committee of three be appointed to demand Miss W.'s clothing from Mr. Holden. Carried. Also that lady should accompany the committee and demand her clothing. Carried. Committee reports that the clothing has been returned. Adjourned.

During the past summer a United States commissioner took up his residence in Circle City, qualifying in October, and the miners' meeting, which all must admit had its good points, has given way to formal judicial proceedings.

The absence, prior to the past summer, of any functionary qualified

to solemnize a marriage contract caused some inconvenience, but the following marriage agreement, duly signed and witnessed, satisfied all concerned:

This agreement of marriage, made and entered into this 3d day of August, 1896, by and between Richard Roe, of Circle City, Alaska, and Mamie Doe, of the same place, witnesseth: That whereas the parties hereto are desirous of entering into the marriage relation and there is no officer or minister or other person competent or authorized to solemnize a marriage in Circle City, Alaska, or in any place accessible thereto: Now, therefore, in consideration of the mutual promises of marriage heretofore made by and between us and each of us, we do hereby mutually and severally agree to and do enter into the marriage state, I, the said Richard Roe, hereby agreeing to take her, the said Mamie Doe, as my lawfully wedded wife, and I, the said Mamie Doe, hereby agreeing to take him, the said Richard Roe, as my lawfully wedded husband.

The most important institution in Circle City is the Miners' Association. This is a beneficial organization of the miners of the Birch Creek district, whose object is the relief of members in sickness and distress. The present membership is 225, but many of the members are absent, on the Klondike and elsewhere. The initiation fee is one ounce of gold (\$17), and the dues are \$1 per month, any extraordinary expenditure being covered by a subscription. This organization takes the lead in all works of charity. During the latter part of October, 1897, a large number of men coming from Dawson in small boats were caught in the ice at various points above here, and in several cases had their feet badly frozen. When such a case was reported the Miners' Association would immediately organize a relief party, hire a dog team at \$50 a day, and have the unfortunate man brought into town, the expense being paid through a subscription. The association has a library of about 1,000 volumes which would serve as a model, in the class of books it contains, for any community in the country. All the standard novelists and poets are represented, while the complete works of Huxley, Darwin, Tyndall, Carlyle, Prescott, Macaulay, Hume, Motley, Ruskin, Irving, and many others have place on the shelves. Some of the standard illustrated papers are kept on file, and chess and checker boards are at the disposal of the members. A fine morocco-bound quarto Bible has the place of honor on the reading table. The seeker for scientific facts and miscellaneous information has access to the Encyclopedia Britannica, while the letter writer in quest of superlatives to describe to his friends at home his unique surroundings has at hand the latest edition of the International Dictionary. The library is largely drawn on by the residents of the town, who are permitted to withdraw books on the payment of a small fee. Calling recently at a cabin occupied by three miners, the writer found one of them reading Bourrienne's Napoleon, another Kinglake's Invasion of the Crimea, while the third was devouring Trilby, dropping an emphatic remark now and then which indicated that the passages in French met with his disapprobation.

The association is accomplishing much good in the community through the educational influence of its library and the model conduct of its members. As before stated, it is purely a beneficial organization and has nothing whatever to do with miners' meetings, so called, except as its members participate therein as individuals.

About the middle of September, 1897, the situation in regard to the food supply for the winter became critical, through the announcement of Capt. J. E. Hansen, assistant superintendent of the Alaska Commercial Company, while en route from Fort Yukon to Dawson, that no more freight would be left here during the season, and the statement of the local agent of the North American Transportation and Trading Company, that while the orders of their regular customers would be filled no surplus provisions could be landed by their boats. The companies took the position, in view of the serious shortage of provisions at Dawson, that it was their duty to the people there to carry as much freight as possible to that place, stating that the people of Circle City, being only eighty-five miles from Fort Yukon, where there were ample supplies, could freight their outfits from that point. The miners of the Birch Creek district felt that this proposed action of the companies would work a great hardship to them, as it would make it impossible to begin work in the mines until very late in the season, on account of the loss of time in freighting supplies, to say nothing of the additional expense of 20 or 25 cents per pound involved. They were almost entirely destitute of provisions, the companies selling them only enough to last from day to day. This was the condition of affairs on September 19, when a miners' meeting was held to take action in the matter, some forty men being in attendance. At this meeting a committee was appointed to take a census of the people in town and in the mines, ascertain the amount of supplies they would require for the winter, and wait upon the captain of the next steamer on its arrival and require him to land enough supplies to fill their orders. On the 20th forty-three men signed an agreement "to be at the bank of the river on the arrival of the first steamer, to receive orders from the committee appointed to wait upon the captain of said steamer." The census of the people of the district showed that there were 188 men without supplies, and a list was made up by the committee of the amount of provisions that would be required to sustain them during the winter, many of the 188 persons in the meantime filing their orders at the stores.

The steamer *Weare*, of the North American Transportation and Trading Company, arrived on the evening of the 21st. The committee placed an armed guard on the steamer to prevent her departure during the night, and the next morning, with the assistance of their supporters, took from the boat, against the protest of the captain, twenty tons of food supplies. The *Bella*, belonging to the Alaska Commercial Company, arrived on the 25th, and the committee, assisted by the men

who had pledged their support, took thirty-seven tons of provisions from her. A prominent miner who was present during the unloading of the goods from the *Bella* has furnished the following statement: "A committee of five men was appointed to wait on Captain Dixon of the *Bella* and inform him of the situation here with reference to the scarcity of provisions. We had a list of those supplies which we considered absolutely necessary to carry us through the winter, and we submitted that list to him. I believe the list called for sufficient provisions for 188 men, the number at that time known to be in the district without supplies. The captain said that his orders were to leave nothing here, and that he would leave nothing—that if we took anything off we would do it against his protest. We then stationed men at various points—one on the gang plank, one in the store, and one in the warehouse—to see that the goods were properly delivered to the warehouse, and our men went aboard the boat and took off thirty-seven tons. No arms were used and no force was applied. We simply insisted on the company leaving enough provisions to fill our orders. We did not fill our list completely; but we got plenty of flour, bacon, butter, and evaporated potatoes." Capt. P. H. Ray, U. S. A., who was a passenger on the *Bella*, protested against the action of the miners, informing them that it was unlawful. Their spokesman replied that there was no law here; that the Government had failed to place officials here to protect them in their rights, and that they were forced to take the law into their own hands in self-protection. In both cases of the forcible removal of provisions from the steamers the miners requested the agents of the companies to check off the goods as they were placed in the warehouses, and the agents did this, the goods being subsequently sold to the miners, in accordance with the orders which they had placed at the stores, at the companies' prices. The effect of the movement was to compel the companies to supply provisions necessary to subsist the miners during the winter, and there was no confiscation of goods, as has been stated at Dawson. An armed guard, furnished by the miners themselves, patrolled the *Bella*, which lay here all night, to protect her cargo from possible theft by lawless characters.

Early in December a prominent mine owner of the Birch Creek district, who was visiting Circle City, was requested to secure for use in this chapter a copy of the local mining laws of the Mastodon district, and he promised to do so. During holiday week the following letter was received from him:

I sent to the recorder of Mastodon, as you requested, for a copy of its laws, and inclose herewith his reply, thinking it may amuse you, and believing you have too much sense to be offended. The writer is an honest, sensible, hard-working man, and highly esteemed by all who know him, and his note is simply an index of the feeling of distrust with which old-timers, or at least the greater part of them, view Government officials, and the innovations which are taking place in both the mining and civil laws. The few Government officials that Uncle

Sam has sent us heretofore have, it is believed, done little good for the country or the Government, while it is strongly suspected that they have abused the powers of their office by levying blackmail on the commercial companies, saloon keepers, and others. I do not allude to the present officials; they have yet to prove themselves.

It is a pretty general sentiment that the Oregon Code of civil laws and the United States mining law are inadequate to our needs, as our isolated position, short seasons, and severe climate differ from those of any other portion of the United States. Our old system of government, by means of miners' meetings, was on the whole very efficient, and crime was almost unknown. Whether the present system is, or is likely to be, a success, you have an opportunity to judge for yourself.

I inclose herewith a copy of the Miller Creek mining laws.

The following are the laws of Miller Creek:

The recording fee for each location and transfer of claims shall be \$2.50.

Three hundred dollars' worth of work must be done on each claim and in each year. If said amount of work has not been done by the 1st of July in each year, it must be done during that month, or declared vacant. Three inspectors shall be elected to determine whether the required amount of work has been done on each claim, and their decision shall be final.

A fraction of a claim shall do assessment work in proportion to its length.

No claim shall for any cause be laid over for a season.

No claim owner shall ground-sluice stumps or sod onto the claim below him.

Each claim holder is entitled to dump tailings for a space of three box lengths on the claim below him.

The unwritten laws and customs of the Birch Creek district, as near as can be ascertained, are as follows:

A claim consists of 500 feet lengthwise of a gulch and from rim to rim in width.

Each discoverer of a new gulch shall be entitled to an additional 500 feet.

Claims shall be numbered above and below Discovery.

A claim owner is entitled to all of the timber on his claim, but all timber above the rim on the side hill is free for all.

A man is entitled to locate one claim for himself, and for no one else, on each gulch, and having used his right once on a gulch can not do so again.

Previously to recording, provided no vested interests are jeopardized, a locator may cut his name off his stakes and relocate on the same gulch.

An alien is entitled to the same privileges as a citizen in locating and working mining ground.

Nothing in the local mining laws shall be construed to prevent a locator from buying claims.

The custom relative to the rights of aliens originated in the Forty Mile district, where, until recently, there was a local dispute as to the location of the boundary line, the Canadians and Americans agreeing, for mutual protection, to the provision as given above. When the Birch Creek mines were discovered many Canadians came down in the

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DOG TEAM, CIRCLE CITY, ALASKA.

stampede from Forty Mile, and their American friends decided in public meeting to perpetuate the custom here.

Wages of laborers in Circle City are \$6 per day, but there is very little employment of any kind to be had, and there are probably 100 idle men in the town who are anxious to work. Clerks in the stores receive from \$75 to \$125 per month and board, the latter salary being paid to bookkeepers.

Prices in Circle City are substantially the same as in Dawson and Forty Mile. Speculative prices are not as high for many articles on account of proximity to the source of supplies, the rate for freighting between Fort Yukon and this place being but 25 cents per pound, while it is \$2 per pound from Fort Yukon to Dawson. In some special cases as great prices have been paid here as on the Klondike. Good dogs command from \$150 to \$400 apiece, and in one or two instances \$500 apiece has been offered for very fine dogs, \$4,000 having been offered and refused for the eight-dog team a view of which appears. Whisky is quoted at \$50 a gallon, but can not be had even at that price. Some has recently sold for \$20 per bottle. Unrectified high wines, for which there is an active demand, command \$30 per gallon. Candles are quoted at \$7.50 per box (120) at the stores, but they are scarce, as high as \$30 per box having been paid for them outside the stores. Flour costs \$37 per 100 pounds, the Circle City price with Fort Yukon freight added. Coal oil is quoted at \$1 per gallon at the stores, but commands \$7 per gallon in the hands of speculators. Firewood is \$16 per cord, laid down at the door, with \$5 added for cutting into stove lengths. The dog team shown in the illustration can haul two loads of a cord each per day. While many luxuries are not to be had at any price, there is an ample visible supply of the staples to carry the community through till midsummer; so, although there must of necessity be some privation, there will be no actual starvation, as was freely predicted three months ago by many who now admit they were mistaken.

During holiday week a lunch room was opened in Circle City, with bill of fare as follows: Coffee and sandwich, 50 cents; coffee and pie, 50 cents; coffee and doughnuts, 50 cents; hot cakes and maple sirup, \$1. January 10 the proprietor began serving meals; price, \$1.25.

The Miners' Association of Circle City having expressed a desire to state their grievances against the commercial companies doing business on the Yukon, five questions were prepared, covering the points on which the most general complaint is heard on all hands, and submitted to the association for consideration. These questions and the replies of the Miners' Association thereto are as follows:

1. What reasons have you for asserting that there exists an unlawful combination in the nature of a trust between the companies doing business here?

The facts speak for themselves. They have raised the prices 50 per cent over last year's quotations. They themselves confess to a rise of 20 per cent. The rise is uniform as between the two companies, except when

either is out of an article, and then the other charges whatever price it may see fit. Besides, we have the assurance of Mr. Ely A. Gage, brother-in-law of the president of the North American Transportation and Trading Company, that Mr. Sloss and Mr. Weare had an understanding in Washington as to the policy of their respective companies, so that neither would hurt the other.

2. What proof have you to offer that the companies take advantage of the scarcity of an article to raise the price?

The most prominent freighter here last year stated that he delivered over twenty tons of freight to the different gulches with the advance of 15 cents per pound added on the ground that the goods had to be freighted up from Fort Yukon, when everyone knew that less than 1,000 pounds had at that time been brought from Fort Yukon. It is notorious that it was the policy of the North American Transportation and Trading Company to winter their boat at Fort Yukon, when they might just as well have brought her to Circle City, this course being pursued in order that they might have an excuse to mulct the miners as above stated. Billiard tables, bar fixtures, furniture for houses of easy virtue, and all the paraphernalia that contribute to the consumption of alcoholic liquors, as well as large quantities of liquors, are freighted up the river to the exclusion of necessary food supplies.

3. Is it true that the two companies, or either of them, have refused to sell goods for cash to certain persons for protesting against alleged abuses of power, favoring those who tactily acquiesce in their action?

This matter is so open and notorious that the managers of the companies will not deny that they still maintain that they have the right to sell goods how and to whom they please.

4. Have the companies failed to keep their agreements with the miners? If so, in what respect?

Mr. James M. Wilson, the superintendent of the Alaska Commercial Company, and Mr. George Ellis, representing the North American Transportation and Trading Company, solemnly promised the miners in a public meeting in Circle City that, providing the credit business was discontinued, they would reduce the price of goods $33\frac{1}{3}$ per cent to the miners. Neither company sells anything now except for cash, and, notwithstanding their promise to reduce prices $33\frac{1}{3}$ per cent, they concede to a rise of 20 per cent, but which in reality is over 50 per cent.

5. Are the charges for merchandise extortionate? Give instances.

Siwash tobacco, that costs $8\frac{3}{4}$ cents per pound and sold last year for 50 cents, is now selling for \$1. Rubber overshoes that sold last year for \$2.50 this year sell for \$6. Desiccated potatoes that sold last year for \$14 per can have been sold this year for \$28, or \$1 per pound. Moccasins that cost 50 cents per pair and sold last year for \$2.50 sell this year for \$3.50 per pair. Roast beef that sold last year for 50 cents per can sells this year for 75 cents per can. Tea that costs 13 cents per pound in San Francisco and sold last year for \$1 per pound sells this year for \$1.50 per pound. Pitted plums that cost in the San Francisco market 75 cents per box sell here for \$7.50, and other fruits in proportion. Beans that cost 1 cent per pound on the outside sell for 15 cents per pound here. Butter that sells for $12\frac{1}{2}$ cents in San Francisco sells here for 75 cents per pound. All kinds of drugs are sold at \$1 per ounce, many of the articles sold being bought for 6 and 8 cents per pound on the outside. Calico that costs $4\frac{1}{2}$ cents per yard in San Francisco sells for 25 and 35 cents per yard here, and as no charge is made of less than 25 cents the percentage of profit made on notions ranges into the thousands. We might go on indefinitely; but allowing the most extrava-

gant charges for transportation and handling goods, we maintain that the companies make a profit of 450 per cent on an average over and above expenses.

The steamer *Cleveland* sailed August 5 from Seattle for St. Michaels, chartered by the North American Transportation and Trading Company at \$100 per day, including the pay of the crew. She made one round trip in less than forty days. She brought up 163 passengers at \$200 each, including 150 pounds of baggage, allowing 150 pounds of extra baggage at 10 cents per pound, and unloaded 1,400 tons of merchandise at St. Michaels. This trip cost the North American Transportation and Trading Company \$6,000, including the expenses of subsisting the crew. The receipts from the 163 passengers, including the charges for 20,000 pounds of extra baggage, amounted to \$34,600. Deducting from this amount the \$6,000 expenses to St. Michaels, the company had remaining \$28,600, or \$20.43 per ton, with which to transport the 1,400 tons of freight from St. Michaels to Circle City and Dawson. According to the very best evidence obtainable from river men, the actual cost of bringing freight from St. Michaels to Circle City never has exceeded \$20 per ton; yet the companies, as a preliminary charge, place 8 cents per pound against transportation, when river men, of whom there are many here, are unanimous in agreeing that this is the best river in the world for freighting and that an independent fortune could be made in a single year by laying down San Francisco freight in Circle City at 2 cents per pound. Of course we know that the companies talk about the price they have to pay for wood (\$4 per cord), but we also know that they average 500 per cent profit on the goods they exchange for this wood, reducing the actual cost to 80 cents per cord, not to mention the profitable trading business they do with the Indians along the river.

FORT YUKON AND THE EXODUS.

Fort Yukon is situated on the north bank of the Yukon, about 385 miles below Dawson and ten miles above the mouth of the Porcupine River, just within the Arctic Circle. In the early days the Hudson Bay Company had a trading post here, but the buildings were burned by the Indians many years ago and the post abandoned. During the past season both commercial companies, on account of the low water on the Yukon Flats, were obliged to land several hundred tons of freight at Fort Yukon, and they have erected buildings and established posts there.

Of the five or six hundred men who were forced to come down the river from Dawson about three hundred went to Fort Yukon, where some two hundred and fifty are spending the winter, the others having passed on to Minook and other points on the lower river. Great interest centers in Fort Yukon, as it is the point where the authorities in Dawson assured the thousand or more men whom they attempted to force down the river that there were six or seven hundred tons of food supplies, and where the commercial companies represented to the people of Circle City that they could obtain ample provisions for the winter. The fact is now apparent that while there were fully as many tons of freight at Fort Yukon as stated, more than one-half of it consisted of

whisky, high wines, cigars, tobacco, hardware, etc., and that if the movement to force the people out of Dawson and the effort to induce Circle City to depend upon that source of supply had proved wholly successful there would have been a much more serious shortage of provisions on this stretch of the river than now prevails at Dawson.

Among those who went down the river in October were a large number of men without means, who had received assurances in the speeches made at public meetings in Dawson that they would be provided with supplies at Fort Yukon. On their arrival at that place they found the local representatives of the commercial companies averse to ratifying the assurances made at Dawson, and about the 1st of November an armed mob of seventy men made a demonstration against the caches of the two companies, which are situated about three miles apart. Capt. P. H. Ray, U. S. A., who was at the cache of the Alaska Commercial Company, and who ordered the men to disperse, was held by force until he agreed to accede to their terms—the issuance of a seven months' outfit to every man at Fort Yukon without means. This demand was made for the reason that the companies were selling to each man but ten days' provisions at a time, thus practically holding the people in Fort Yukon in idleness and making it impossible for them to go out prospecting. A committee of seven men was appointed, to which was delegated the duty of passing upon the applications of destitutes for outfits. The methods pursued by the committee were so lax, in the opinion of Captain Ray, who, in the meantime, had organized a civilian force to support him, that he abrogated the powers of the committee, assumed full charge of affairs, and raised the American flag over both caches.

Up to the 1st of December 220 men had been outfitted at the two stores, 130 of these receiving their outfits as destitutes and giving their notes, payable in one year, the Government securing the companies for all bad debts. Captain Ray states that he took this course relative to the 130 men for the reason that, being destitute, they would have to be fed until the opening of navigation. He felt that it would do no good to hold them in Fort Yukon and feed them in idleness, and that by giving them supplies until June 1 they would be enabled to go out prospecting and develop the country. He wished also to avoid, as far as possible, the complications liable to arise among so large a number of idle men, many of whom were desperate over their failure to realize their expectations in the Klondike district. Captain Ray stated, on December 1, that there was a sufficient supply of food at Fort Yukon to support 600 people until June 1. Both caches were out of coffee, tea, and candles, but there was an abundance of flour, bacon, rice, etc., to last even beyond the date named. Cutting wood for the steamboats and prospecting are the only occupations the country affords, and a large number of men are cutting wood and quite a number have gone into the mountains to prospect.

The following is a typical seven-months' outfit furnished by the companies to destitutes:

250 pounds flour	\$25.00
50 pounds bacon	20.00
60 pounds beans	7.20
30 pounds rice	6.00
3 pounds baking powder	3.00
16 pounds butter	12.00
2 cases vegetables (2 dozen 2-pound cans)	20.00
75 pounds evaporated fruits	22.50
1 pound soda	.50
1 gallon vinegar (or 1½ gallons pickles, at \$2.50)	2.00
50 pounds sugar	12.50
30 pounds lard	9.00
2 pounds salt	.20
3 pounds coffee	1.50
1 dozen cans condensed milk	5.00
1 case roast beef (1 dozen 2-pound cans)	9.00
1 case corned beef (1 dozen 2-pound cans)	6.00
2 gallons sirup	5.00
10 candles	1.00
Total	167.40

A quotation of the special prices charged for a few sample articles by the North American Transportation and Trading Company at Fort Yukon during the past fall (when the other company was out of them) may be interesting, as indicative of commercial methods on the Yukon: Evaporated potatoes were sold for \$28 per can, the price charged for them by the same company at Circle City being \$14 per can; chewing tobacco, \$2.50 per pound, the Circle City price being \$1; tea, \$2 per pound, the Circle City price being \$1. The explanation given for the special charge for potatoes is that the agent, being a new man and unfamiliar with the company's schedule of fixed prices, inadvertently doubled the price. As to the other items, it is explained that the articles were purchased at the Circle City store at the retail prices there and that the advanced prices were charged to cover 25 cents per pound freight and to meet the requirement of the company that each station shall make a profit on its transactions, a rule which no doubt produces results gratifying to the stockholders, but which works great hardship to the helpless consumer. Some special prices prevail at the Fort Yukon station that are probably more properly attributable to the scarcity of the articles involved than to high freight rates; for instance, 8-inch flat mill files, costing 75 cents per dozen at wholesale and selling heretofore at 75 cents apiece, are sold this winter at \$1.50 apiece, while silk handkerchiefs that cost \$8 per dozen outside are sold to the Indians at from \$5 to \$8 apiece, according to color. A quart of coal oil, the largest quantity sold at one time, costs the consumer \$2.

About the 1st of October, when the Klondike exiles began to arrive at Fort Yukon, there were only two or three log cabins in the place, and

many who were unsupplied with tents were forced to sleep in the open air. During the fall some thirty-five or forty comfortable cabins were erected, and nearly every one is well housed for the winter. Fortunately, the winter so far has been the mildest ever known here, the lowest temperature recorded being 44 degrees below zero and the mercury standing above the zero mark for weeks at a time; consequently, there has been much less suffering than was anticipated.

ALASKA, ITS MINERAL AND AGRICULTURAL RESOURCES, CLIMATIC CONDITIONS, ETC.

One of the best books written on Alaska, and the one which contains the most accurate information relative to the Yukon region, is Victor Wilson's *Guide to the Yukon Gold Fields*. This gifted author spent the summer of 1894 on the Yukon, and the results of his observations were published in January, 1895, almost simultaneously with his death, the direct outcome of the exposure and hardships of his journey through Alaska. While the book, on account of its hurried preparation, shows some defects, it contains a vast amount of information of remarkable accuracy, presented in a most charming style. Mr. Wilson's work has been used freely in the preparation of this report, not in the appropriation in any reprehensible degree of the material contained therein, but rather as a guide and inspiration in wandering through an almost pathless wilderness of isolated and elusive facts. The liberty is taken of making the following quotation from the introduction to the book:

The rush to the Yukon last spring saw many prospectors in the field with the most promising results. Many new creeks were discovered of great extent and richness, and all the old mines yielded better results than ever before. No creek in the entire basin which was prospected with any degree of precision failed to show at least a color. The estimated amount of gold taken out of the country last year has been placed as high as \$1,000,000, and while this is highly improbable, the many who have returned with amounts varying from \$5,000 to \$35,000 prove beyond a doubt that the country is one of great richness. With these facts fresh before the public, at a time when the brawn and muscle of our great nation is almost at a standstill, it may reasonably be expected that many will turn their attention in this direction, and it is therefore the purpose of these pages to give such information as will be of benefit to those who undertake the trip.

The Chilkoot Pass is the only route used to any extent at present by the miners, and is the shortest portage from salt water to the navigable waters of the Yukon. This route leads over the Chilkoot Pass down the lake to Lewes River, thence down the Yukon to the mines at different points on that river. The trip is one of difficulties, which will tax the endurance and nerve of the most hardy, and only such men can reasonably expect to succeed, for only with the most incessant toil, such as packing provisions over pathless mountains, towing a heavy boat against a five to an eight mile current over battered boulders, digging in the bottomless frost, sleeping where night overtakes, fighting gnats and mosquitoes by the million, shooting seething rapids and canyons, *and enduring for seven long months a relentless cold which never rises*

above zero and frequently falls to 80 degrees below—any man physically endowed to overcome these obstacles who will go there for a few years can by strict attention to business make a good stake, with the possibilities of a fortune.

The climate is one unequaled for health, the summer months are delightful, game is plenty in season, and the winters, while cold, are healthy and help to recuperate the lost vitality from the incessant toil of the summer.

The next few years will see wagon roads and trails through the Coast Range, steamers on the lakes and upper river, and the whole of the vast upper country will be made accessible to the miner. Then hundreds will flock there, and ten years will see a population of 100,000 people in the Yukon Basin. Then its vast richness will become the by-word of the world, for it is a poor man's country—nature has stored her treasure in a safe of ice with a time lock which opens only in the long sunny days of summer. Hydraulic mining is made impossible owing to the lack of water, for only the glacial drip of the hills is accessible in the gulches which carry the most gold. This will make its period of productiveness much greater, while capital will find lucrative investments in the rich lodes of gold, iron, coal, and copper, and in the bars of the rivers, which have become no longer useful to the pan or cradle in the hands of the miner. All along the whole route from the Coast Range down to old Fort Yukon the close observer can see vast treasures in the mountains—coal, marble, and copper—only waiting for the country to develop to such an extent as to bring them within reach of the outside world.

The country south of the Pelly River is quite well timbered. It is a good grazing country; all the hardy vegetables grow well, and even wheat ripens.

It is a fine game and fish country. Bear of several varieties, moose, caribou, wolves, and many fur-bearing animals abound. It is doubtless the greatest country in the world for the silver and the black fox. The rivers and lakes are teeming with many varieties of fish, while grouse and rabbits are numerous along the shore. Water fowl of many kinds are plenty, and their long sojourning in these inland waters gives to their flesh a flavor which, although high and gamy, never acquires that repulsive, fishy taste so universal to the fowls of this coast.

When once this country is made accessible from the Sound points by proper transportation facilities it can be reached in ten days. Then it will become one of the greatest tourist countries of the world, for where is grander scenery, a more beautiful climate, or a more favored spot than in this lake country during three months in summer? The shores are bordered by strips of green meadow, bedecked with wild roses and an endless variety of flowers of the most delicate tints, while terraced open and timbered slopes stretch away to high mountains, which in turn are backed by snow-capped peaks. During the whole summer scarcely any rain falls, with the exception of an occasional thundershower; the sun is seldom lost sight of, except for a brief period at night.

Within three years it will be possible to leave Seattle in the spring, work in the mines all summer, and return in the fall. Then the importance of these vast gold fields will come to be realized, and in the near future the word Yukon will associate itself so closely with that of gold that its mere mention will convey impressions of an Eldorado rivaling that of fable.

The foregoing, read in the light of recent events, shows that the writer was endowed with the spirit of prophecy. The following extract

from the introduction to Miner W. Bruce's work on Alaska, published in 1895, indicates that he, too, held substantially the same views in regard to the future of that Territory:

The field is large, and already the dawning of great enterprises fills the minds of ambitious projectors. Gold fields are to be opened up, railways built, possibly with a span of communication with the Old World, besides many other projects which will cause the active American brain to vibrate with new vigor. And if the writer can awaken any patriotic sentiment to further and protect the interests of this grand Territory, he will be satisfied.

He can not consistently advise those seeking a place to make a home, or those looking for a new field of labor, to choose Alaska, unless they have some means, and a reasonable amount of stamina and good health. To any one possessed of these qualifications, he unhesitatingly and unqualifiedly says "Go."

He is in earnest when he says that he believes the next few years will present many opportunities for investment and for laying a foundation for lucrative business enterprises, and perhaps wealth. But if any one expects to acquire these without experiencing the hardships and privations incident to pioneer life, he will be disappointed.

Until the past season, on account of the lack of transportation facilities and the consequent impossibility of bringing mining machinery into the country, but little attention had been given by the miners of the Yukon basin to the subject of the possible discovery and development of quartz ledges. Now that the introduction of machinery within the next two or three years is within the bounds of probability, an active interest is being taken in the search for quartz. It is known to a certainty that many gold-bearing leads, that can be worked profitably under favorable conditions, exist at the head of the north fork of Forty Mile Creek and that they have been traced across the head of Seventy Mile. The great copper belt, which crosses the Yukon at Dawson, extends through Alaska to the Copper River country. This belt crosses the Tanana Valley from 100 to 150 miles from Circle City, and the Indians and a few white men who have been in that country report that native copper is found in large quantities, often in masses weighing from 20 to 100 pounds, in the bed of the streams, indicating beyond doubt that the region is exceedingly rich in copper. The proposed railroad from the head of Cook Inlet or Prince William Sound, referred to in the section on Transportation, would strike the Tanana in the heart of this great copper zone, a fact which effectually disposes of the principal objection to the construction of a railroad into a placer mining country by the assurance of an immense tonnage of return freight to tide water.

During the present winter (1897-98) many prospectors have gone from Circle City to the head waters of the Tanana River, where it is rumored good creeks have been found, and quite a number have gone up the Porcupine from Fort Yukon; so it is quite likely that by the middle of the coming summer it will be definitely known whether there is any truth in the marvelous stories told by the Indians relative to the

richness of those streams. Without regard to new discoveries, however, as stated elsewhere, there are thousands of acres of placer ground in the various districts that will yield fine returns under the application of hydraulic processes, while there are large veins of bituminous coal in many localities that offer attractive inducements to capital.

The Territory of Alaska must necessarily be divided, agriculturally, into three districts, each differing from the other in climate, vegetation, and physical characteristics.

The Yukon district is bounded on the north and west by the Arctic Ocean and Bering Sea, on the south by the Alaskan Range, and on the east by the boundary line.

The Aleutian district embraces part of the Alaska peninsula and all the islands west of the one hundred and fifty-fifth degree of longitude.

The Sitkan district includes all our Alaskan possessions south and east of the peninsula.

The Yukon district is the only one immediately considered in this report, as the interest now centers in that section. The character of the Yukon territory varies from low, rolling hills, fairly easy of ascent and covered from foot to crown with a luxuriant growth of vegetation, to broad, marshy plains extending for miles on either side of the river, especially near its mouth. The rocks vary much, the greater proportion being conglomerate, syenite, quartzite, and sandstone. Trachyte and lava abound in many parts of the valley. The superincumbent soil also differs in some localities, being sometimes sandy and sometimes clayey. In the latter case it is frequently covered with a growth of sphagnum, which causes a deterioration of the soil below it. Over a large extent of country it is a rich alluvium, composed of very fine sand and vegetable matter brought down by the river and forming deposits of indefinite depths, and in such localities fresh-water marl is invariably found in abundance. The soil in summer is usually frozen at a depth of three or four feet in ordinary situations; in colder ones it remains icy to within twelve or eighteen inches of the surface. The layer of frozen soil is usually six or eight feet thick, and below that depth the soil is oftentimes destitute of ice. This phenomenon is undoubtedly traceable to the scant drainage, combined with the non-conductive covering of moss, which prevents the scorching sun of an almost tropical midsummer from thawing out the soil. In places where the soil is well drained and is not covered with moss, as in the large alluvial deposits near the mouth of the Yukon River, the frozen layer is much farther below the surface, and in many places appears to be entirely absent. There is no doubt that in favorable situations, by drainage and deep plowing, the ice can be entirely removed from the ground, and, as will be noticed later on, it is safe to say that this subterranean ice layer is essentially due to the mossy accumulations that are so prevalent in the Yukon territory. It is quite possible to conceive of a locality so depressed and deprived of drainage that the

annual moisture derived from the rainfall and melting snow would collect between the impervious clayey soil and sphagnum covering, congeal during the winter, and be prevented from melting during the ensuing summer by the nonconductive properties of the mossy covering. The lesson that the agriculturist or political economist may learn from this peculiar formation is that a luxuriant growth of vegetation may exist in the immediate vicinity of permanent ice, bearing its blossoms and maturing its seeds as readily and profusely as in situations much more favorable. Hence it is safe to infer that a large extent of territory, embracing millions of acres, long considered valueless, may yet furnish to the settler, if not an abundant harvest, at least an acceptable and not inconsiderable addition to his fare of fish, game, and canned goods.

The climate of this territory in the interior differs from that of the seacoast, even in localities comparatively adjacent, that of the coast being tempered by the vast body of water in Bering Sea, and many southern currents bringing warmer water from the Pacific and making the coast much milder than the country even thirty miles inland. The summers, on account of the heavy rainfall and cloudy weather, are much cooler and less pleasant on the coast than in the interior. The months of May, June, and July are sunny, fairly warm, and clear as a rule, and the development of plant life is extremely rapid. The snow has hardly disappeared before a mass of herbage has sprung up, and the patches which but a few days before presented the appearance of nothing but a white sheet are now teeming with an active vegetation, producing leaves, flowers, and fruit in rapid succession. The long arctic day seems to have little deleterious effect on plants, as they have their period of sleep, even as in the Tropics, which is indicated by the same drooping of the leaves and other signs observed in milder climates.

Many people have a wrong impression as to the duration of day and night here. While it is true that in the months of June and July and part of August the sun is visible for possibly twenty hours out of the twenty-four, and there is no darkness akin to night during the remaining four hours of the day, the spring and autumn are very similar to those seasons in a lower latitude, save in the rapidity with which the hours of sunlight increase or decrease. In the summer months it is only at night that the traveler or prospector is able to accomplish anything, as there is sunlight enough at midnight to read or work by, and the cool breezes that blow only at that hour bring relief from the stings of the myriad insects that have made the tropic-like day so unbearable.

The winter months are not so dark and gloomy as they are generally supposed to be. While the sun is visible for only a few minutes on December 21, the amount of actual sunlight is four and a half hours, and even after the entire dissipation of sunlight the light reflected by the snow and that borrowed from the aurora enables the traveler to

pursue his way, while the moonlight in this region seems to attain a higher brilliancy than in lower latitudes, it being possible to read by its aid, and photographs of even distant objects have been very successfully taken by an exposure of fifteen minutes.

The following table shows the mean temperature of the seasons as observed in 1894:

MEAN TEMPERATURE OF EACH SEASON, 1894.

Season.	Locality.		
	St. Michaels.	Nulato.	Ft. Yukon.
Spring	29	20	14
Summer	53	59	60
Autumn	26	38	17
Winter	0	-14	-24

The present winter (1897-98) has been one of phenomenal mildness. Observations of temperature at Circle City during the months of October, November, and December, 1897, show the following results:

		8 a. m.	8 p. m.
October:			
High		30	30
Low		-18	-6
Mean		8	
November:			
High		20	20
Low		-40	-39
Mean		-7	
December:			
High		26	6
Low		-34	-30
Mean		-6	

The mean annual temperature of the Yukon Valley, from the mouth of the river to the boundary line, may be roughly estimated at 23 degrees. The greatest degree of cold ever recorded in this district was 77 degrees below zero, but such cold as this is exceedingly rare, and has but little effect on the vegetation of the country, covered, as it is, with from three to five feet of snow.

Open water is found in many of the tributaries of the Yukon, even in the coldest weather, and many springs are never frozen. This phenomenon is particularly noticeable between Circle City and Fort Yukon. Oftentimes when traveling over a well-beaten trail in the coldest weather, when one's breath is frozen as rapidly as exhaled, a yellow smudge indicates that possible danger is lurking in the middle of the trail; but while you hesitate the smudge disappears and a volume of yellow water boils over the surface of the ice, and you break a new trail around the treacherous spot. This peculiar uprising of the water is undoubtedly due to the existence of hot sulphur springs in the bed of the river. The water at these points has a decidedly sulphurous taste.

The real opportunity for agricultural enterprise in any country can not be deduced from annual mean temperature alone, but it is in a measure dependent on the heat and duration of the summer. It is a common occurrence for the thermometer placed in the direct rays of the sun to rise gradually to 120 degrees and burst the spirit thermometers in use here, which intensity of heat can only be appreciated by one who has endured it. The only relief obtainable from the torridness of the summer months on the Upper Yukon, during which vegetation attains an almost tropical luxuriance, is found in the brief time when the sun sinks almost to the horizon in the north; the transient coolness of the midnight air then becomes a blessing to the weary voyager.

The annual rainfall for the Yukon Valley is estimated by careful observers at about twenty-five inches, while on the coast it is from sixty to seventy inches. The snow fall will probably average six feet in the Yukon district, although oftentimes it is as much as ten or twelve feet.

In the interior there is much less wind than on the coast, and the snow lies as it falls among the trees. Toward spring the gullies and ravines are well filled, the underbrush covered, and travel with dogs becomes easy and pleasant, for the snow, melted on its surface by the noonday sun, has been frozen to a crust, rendering snowshoes entirely unnecessary.

In the valley of the Lower Yukon the months of May and June and part of July bring sunny, delightful weather, but the remainder of the season is usually rainy—three or four days in the week, at least. In the latter part of the summer it is somewhat foggy, but as one ascends the river the climate improves, and the short summer is dry, hot, and pleasant, only varied by an occasional quick shower.

The climatic law which governs the distribution of trees and plants also seems to limit the wanderings of the aborigines. The Eskimos extend all along the coast and up the principal rivers as far as the tundra or flat lands reach. The Indians who populate the interior seldom pass without the boundary of the woods. Neither perform any agricultural labor whatever, unless one can so designate the picking of wild berries, which form their only vegetable food, except the roots of the wild parsnip and the leafstalks of a species of wild rhubarb. Until comparatively recent times little had been done toward agricultural progress, but the day is not distant when many varieties of vegetables will be grown around the miners' cabins in this icebound region.

The first requisite for habitation or even exploration in any country is timber. With it almost all parts of the Yukon territory are well supplied. The treeless coasts even of the Arctic Ocean can hardly be said to be an exception, as they are abundantly supplied with driftwood from the immense supplies brought down the mighty Mackenzie and the not less majestic Yukon and other rivers and distributed all along the coast line of Alaska by the waves and ocean currents.

The largest and most valuable tree found in the Yukon territory is the white spruce. This beautiful conifer is found over the whole country a short distance inland, but largest and most vigorous in the vicinity of running water. It attains a height of from 50 to 100 feet, and a diameter at the butt of one to two feet. The wood is white, close, and straight grained; it is easily worked, being light, yet very tough—much more so than its Oregon relative. For spars it has no superior, but is, as a rule, too slender for masts. It is very enduring, as is evidenced by the existence in the Yukon district of many houses built by the Russians sixty or seventy years ago, the timbers of which are to-day as sound as when they were built. It is interesting to note in this connection that the age of the spruce of the Yukon forests, as indicated by the annular fiber, is as great as that of the giant Douglas spruce of the lower coast, it being not uncommon to find here a tree with an eight-inch trunk that has attained an age of six or seven hundred years. This fact is attributable to climatic conditions, and eliminates from the problem of a future timber supply all calculations as to a new growth during the present cycle. The northern limit of this tree is about 67 degrees latitude. The unexplored waters of the Tanana bring down the finest logs of this species in the spring freshets. The number of logs discharged annually at the mouth of the Yukon is truly incalculable.

The tree of the next importance is the birch. This tree rarely grows over forty feet high and eighteen inches in diameter. It is the only hard wood found in the Yukon territory, and everything requiring a hard and tough wood (sleighs, snowshoes, etc.) is constructed of birch. A black birch is also found here, but it is too small to be of much use.

There are also several species of poplar. One of these, the balsam poplar, grows to a very large size, frequently attaining a height of sixty or seventy feet and a diameter of two or three feet. The wood of this tree, however, is too soft to be of much importance.

Willows and alder are more generally distributed than any other variety of trees. Along every creek in this territory one finds these species in great abundance, varying from ten to fifty feet in height, but rarely exceeding four or five inches in diameter. The wood of these trees is practically useless, being rotten at the heart, although the inner bark of the willow was much used by the natives in making twine for nets and seines before they could purchase twine from the commercial companies now trading on the river.

Other species of timber rising to the rank of trees in this district are the larch and some dwarf species of pine—not of such importance, however, as to warrant classification in this report, the woods being used for fuel when no other timber can be easily reached by the traveler.

The treeless coasts of the territory, as well as the lowlands of the Yukon, are covered in the springtime with a luxuriant growth of grass and flowers. Among the more valuable of the grasses is the well-

known Kentucky blue grass, which covers millions of acres in the Yukon flat lands, and grows luxuriantly even as far north as the Peel River. This is one of the most valuable pasture grasses known, as it endures the most rigorous winter as easily as the drought of a tropical summer, and is without doubt more nutritious than any other species of grass. It is on this grass that the settler who determines to combine agriculture with any other pursuit will depend for his supply of hay for winter feeding.

The wood-meadow grass, which in nutritive properties is akin to the Kentucky blue grass, is also very abundant, and would furnish cattle with an agreeable and fattening pasturage.

The blue-joint grass also reaches as far north as the Peel River latitude, and grows with a marvelous luxuriance. It reaches, in favorable situations, three or four feet in height, and may be used advantageously in the feeding of cattle.

Many other grasses grow abundantly and contribute largely to the sum total of herbage. Two species of southern lyme grass are found in the Yukon district that almost deceive the traveler with the aspect of grain fields, maturing a perceptible kernel which the small rodents lay up in store for winter use.

Grain has never been sown to any extent in this district. Barley has been tried at Fort Selkirk, near the mouth of the Pelly River, in small patches, and in the early days at Fort Yukon, and there was success at both places in maturing the grain, although at both the straw was very short. Grain sowing has never reached beyond the experimental stage, but these experiments have proved conclusively that grain could be grown in the Yukon Valley, and in abundance. It can be safely averred that sufficient grain can be grown in this district to supply the home demand for cattle feed, if enough energy is devoted to agriculture.

Turnips and radishes flourish exceedingly well all along the river from Fort Selkirk to St. Michaels. The white, round turnips, grown in this district from imported seed, are as fine as can be found anywhere, and are very large, some weighing as much as six or seven pounds. They are crisp and sweet, although the very large ones are hollow-hearted.

Potato growing is an established success. Nearly every trading post along the river has its own little potato patch, and although the tubers are small, they are of very fine quality. Care must be taken, however, that the seed potatoes are not frozen in the winter.

Salad growing is very successful. Cauliflowers of huge size may be grown if the seed is planted in shallow boxes in the houses and the plants not transplanted into the open ground until the summer is well advanced. These plants mature very rapidly, and well repay the little attention given them.

Cabbage will flourish under like conditions, and large heads of this esculent vegetable will be the result of a little timely care.

Tomatoes have not been grown, so far as can be learned, but if the seeds are sown in boxes in the house and the plants are not put into the ground until they are of good size, there is no reason why this vegetable should not flourish in this region, as the hot, dry summer is just what the tomato requires.

With such a variety of feed as may be grown in this district in abundance, there is absolutely no reason why cattle, with proper protection in winter, can not be successfully raised and kept in most parts of the Yukon Valley, fodder, as previously shown, being so abundant.

As might be supposed, there are no tree fruits in the Yukon Valley suitable for food, but small fruits of many varieties are found in great profusion. Among these may be noticed red and black currants, gooseberries, high and low bush cranberries, raspberries, salmon berries, thimble berries, killikinnick berries, blue berries, moss berries, juniper berries, and rose berries. The latter, when touched by frost, form a very pleasant addition to a somewhat scanty stock of comestibles, the flavor being an admixture of those of the crabapple and persimmon combined. All these berries, except the salmon berry, or Morosky of the Russians, are excellent antiscorbutics and possess, besides their edible qualities, other medicinal virtues. From many of them the most piquant and delicious preserves are prepared by the better educated natives and the white population, and they form an excellent adjunct to the eternal diet of fish, game, etc.

It is of course highly improbable that the Yukon territory will become an entirely self-supporting agricultural district, or that anyone will be able to obtain a subsistence by farming alone; still the settler called here to develop the resources of the country, be they fish, furs, or gold, may have fresh milk in his coffee and fresh vegetables on his table if he possess the energy and knowledge to make the most of his opportunities. It will not be necessary for him to rely on the products of the chase or the importation of food stuffs by the trading companies alone, if he will but take the care to provide suitable shelter for his cattle, gather for their winter fodder the perennial grasses which cover the flat lands and river bottoms, or uncover the abundant root crop which he has had energy and forethought enough to cultivate.

In summing up the agricultural resources of the Yukon Valley, it may be stated that its abundant capacity for producing root crops of good quality and large quantity may be considered as settled. Oats and barley, possibly wheat and rye, may be successfully raised under careful, systematic cultivation. In Iceland, where the temperature often falls as low as 35 or 40 degrees below zero, it is well known that fully 75 per cent of the population derive their maintenance from agriculture, and there is no reason why the Yukon territory, where the climatic conditions are not less favorable, should not supply a considerable amount of garden produce after proper preparation of the soil.

Notwithstanding the extremely rigorous winters of the Yukon district, it is essentially a healthful country, the only prevailing diseases being those of a pulmonary nature, and in nine cases out of ten the natives are the only ones afflicted. Rheumatism is somewhat common among the white population, but this is undoubtedly caused by extreme exposure. Scurvy, contrary to general opinion, is not prevalent, the only cases that have come under notice having been the result of culpable negligence of ordinary cleanliness, lack of proper food, or an inadequate amount of outdoor exercise. A peculiar form of fever of a typhomalarial type is found in the more thickly settled districts, but this is of a certainty due to the want of the most ordinary sanitary measures. Deep drains and a consistent amount of precaution will entirely dissipate the pestilential prevalence of this endemic disease.

It will thus be seen that the Yukon basin offers a much more diversified field for enterprise than is popularly supposed, and it is quite within the bounds of established fact to say that 100,000 people can find remunerative employment and a fairly comfortable existence in this region as soon as the means of transportation of food supplies shall justify so large a movement of population.

While society on the Yukon, like the geological formation, is as yet a sort of conglomerate, it is rapidly becoming stratified, and although the towns lack many of the comforts and conveniences that make life in the highest sense enjoyable, they are by no means social barrens, for there are among the inhabitants a large number of men of culture and refinement whose firesides are adorned by as charming representatives of American womanhood as can be found in localities much more favored in other respects.

BUSINESS OUTLOOK, OPPORTUNITIES FOR LABOR, ETC.

There is no man in the Yukon basin who has a more comprehensive understanding of the abnormal conditions existing there than Capt. John J. Healey, manager of the North American Transportation and Trading Company. Captain Healey, who for many years was a resident of Fort Benton, Mont., has had a varied experience on the frontier, and has proved his courage on many occasions, from encounters with the Blackfeet and Piegiens to engagements, as sheriff of Choteau County, with Missouri River and Yellowstone "rustlers." He entered this field in 1892, as one of the organizers of the great company of which he is now manager, having previously for six years been a partner in the trading post of Healey & Wilson, at Dyea. No better text for this chapter could be chosen than the following statement, which was taken stenographically from Captain Healey, at Dawson, on September 25, 1897:

In regard to the business outlook of this country, I would say that people who are organizing to come here to engage in commercial enterprises should understand that it takes two years' capital to do one year's

-business. They can not come in here and secure returns in one year. Such persons should also understand that they can not build boats and get here the same year. We have tried it three years in succession and have failed each time. The difficulties to be overcome are too great.

There is another point to be taken into consideration in comparing prices here with those outside, and that is that we can not effect a dollar's worth of marine or fire insurance this side of St. Michaels. We have to carry our own marine, fire, and ice risks on the Yukon, and not many people are willing to put their capital into enterprises of this kind. We are carrying our own insurance because we can not help ourselves. Of course we insure on salt water as far as we can.

In my opinion there is a good field for day labor in the country. There is mineral of all kinds from coast to coast. Take Alaska from the southeastern coast, skirting around the Bering Sea and the Arctic Ocean, it is all a mineral range. You can not go anywhere but you will find minerals of all kinds. The trouble is in furnishing supplies under present conditions. The country is so vast that it will take years to supply it with food stations. The navigable streams, it is true, will be first utilized; but both Governments must organize a system of roads from these streams into the interior. They must construct roads into the Rockies on the north and east side of the Yukon and into the Alaskan Range on the south and west. If we had a force of people, whether military, police, or engineers, that would devote their time to building these trails and roads, I think the reindeer could be introduced here and utilized to good advantage. I believe the reindeer will be the coming pack horse of this country.

There is another thing to which I would like to call the attention of the Government. I have thought it over often, but have not yet formulated my suggestions. The most destitute native race on earth to-day are the Indians on the lower Yukon. For 300 miles from the mouth of that stream the principal subsistence of the native population consists of fish and oil. As you come higher up the river the condition of the Indians improves. They were in a wretched condition until we came into the country and gave them an opportunity to earn a little money by cutting wood for our steamers. Our Government ought to do something for those Indians. I am not an advocate of Indian agencies or anything of that kind. I do not believe in keeping the Indians in idleness, but the Government can utilize their services, and this can be done by making mail carriers of them and employing them to cut trails, and a native military organization might be established in the lower Yukon country. They are the best workers on earth, and the cost would be insignificant. All they want is a little flour, tea, and tobacco, and these can be laid down very cheaply by the transportation companies. Such a utilization of the services of these people would be of great benefit not only to them but to the Government. Under present conditions many of them die of starvation every winter. The Indians farther up the river are better off, because they work around the mines. They have abandoned the fur trade and are engaged in mining, packing, and hunting. They can get from 50 to 75 cents a pound for all the game they kill.

In regard to the outlook in Alaska, I will say that there is an abundance of low-grade diggings in that country at Forty Mile, Birch Creek, Minook, Seventy Mile, Coal Creek, and American Creek that will support thousands of men when they are ready to work for \$7 or \$8 a day. There are large tracts of country that will pay those wages. In some

of the claims they can work but three months in the year, while in others they can work all the year round. In the mines where they ground-sluice the season is sometimes quite short, but in the drift diggings, which are above water line, they can work the year round.

There is no doubt that there is room here, in work and prospecting, for all the idle miners in the United States. A great many of them will be disgusted when they come here and will not remain and prospect on account of the radical change from the conditions to which they have been accustomed. They have to be able-bodied and act as their own pack horses, and of the men who have been used to riding a cayuse through the mountains and taking a pack animal with them not one in ten will stay in this country, wading through the muck, brush, and moss and fighting the mosquitoes. In order to succeed here a man must have an iron nerve and constitution, and those who are not so constituted should remain away. It is going to require slow, hard prospecting to develop our resources. You can not see anything; everything is covered by moss, vegetation, and brush. There are no prairies, but it is all an undergrowth of brush and timber. The country has not been prospected at all as it should be. Prospectors follow up the rivers in boats as long as they can, and if they leave their boats at all it is only for a day, with a little lunch on their backs, so that they can get back to their supplies. That is the only kind of prospecting that has been done. There is not a man in the country who knows what is back from the river a hundred miles; there is not a man living that has been back a hundred miles from this water course to engage in systematic prospecting.

There is coal down about Cudahy and ten miles from there. There is a five-foot vein of fine coking coal within eighteen miles of here, about eight or ten miles from the river. There is coal on the American side, about fifty miles above Circle City. There is also coal below Circle City, near the Tanana.

Copper, asbestos, antimony, and galena abound, and there is a good deal of low-grade, base ore in the country. I have not seen any free-milling gold ore yet. In time, when labor and provisions become cheaper and the transportation companies can lay down supplies at reasonable prices, these low-grade ores are going to give employment to a great many miners. My opinion is that Alaska and the Northwest Territory within fifty years will produce more minerals than all the other mineral regions of the country put together. I may be visionary, but this is my opinion, based on personal observation. The Tanana Valley will astonish the world even more than the Klondike has. That is the great copper district. The mines that can give employment to large numbers of men for long periods of time are the ones from which the country reaps the most substantial benefits.

About the labor question. I have had a great many men make application to me for assistance, saying that they were broke and wanted to secure an outfit for the winter. This was early in the season, a month or six weeks ago. I said to them, "Why don't you go to work?" They replied, "Well, we don't want to work for wages; we want to work on a lay." The wages in the mines are \$15 a day, and the wages of laborers are \$10 a day, and I told them that they could go to work for wages and in thirty days have enough to buy an outfit for a year; but still they would not go to work. I thought I would stop the thing. A few friends of mine have some claims, and they wanted some men at \$10 a day to work them; so I put up a notice, "Eight or ten men wanted; wages, \$10 a day." You know the claim owners have decided on pay-

ing a dollar an hour from the 1st of October, furnishing the men cabins to sleep in, the miners furnishing their own food. The first application I have had to work for \$10 a day, in response to that notice, came in to-day.

I advise the bringing in of silver coin. It is the medium which people use in traveling, in paying the Indians for their little services, etc. There is not a man traveling who does not want an ounce or two of dust changed into silver. Each Government ought to have an assayer, so that a man could take his gold dust to him and have it run into bullion; then that man could come to us with his gold, which would have the stamp of one of the Governments on it, and we could give him our check for it.

Captain Healey's statement is commended to the careful consideration of all who contemplate coming to this country either to engage in commercial enterprises or to participate in the uncertain pursuit of hidden treasure.

There are very many intelligent and practical men here who differ radically with Captain Healey as to the difficulties and unprofitableness of commercial enterprises on the Yukon. The representatives of both companies claim that neither made any money during the past season on account of their ill success in getting freight to Dawson. A few figures on this point may be suggestive. As stated by the agents of the companies, and as verified by reference to the manifests, 2,930 tons of freight were landed in Dawson during the season. In their system of accounts a charge of \$75 per ton, approximately, is made against transportation from San Francisco and Seattle to St. Michaels, and a charge of \$60 per ton from St. Michaels to Dawson, or a total of \$135 per ton, and a grand total of \$395,550 as the cost of transportation for the 2,930 tons carried. It will be assumed, for the purpose of this illustration, that the \$395,550 covered all expenses of transportation from San Francisco and Seattle to Dawson. It is susceptible of mathematical demonstration that the average selling price of all merchandise is not less than 35 cents per pound (it is greater than that, but the figure given will suffice for this illustration), or \$700 per ton. If it be suggested that much of this tonnage consisted of clothing, dry goods, drugs, etc., a large proportion of which becomes dead stock, and much of which can not be treated on the basis of weight, an adequate reply is that such portion of this class of merchandise as is sold (commanding as it does from 200 to 1,000 per cent profit) brings prices per pound to a figure more properly stated in dollars than cents. At the price named, \$700 per ton, the gross receipts for the 2,930 tons amount to \$2,051,000. We will now assume the first cost of the 2,930 tons of merchandise was 10 cents per pound, or \$200 per ton, which gives us \$586,000. Adding this sum to the expenses of transportation, and allowing \$200,000 for the cost of administration of the Dawson establishments, we have \$1,181,550, and subtracting this from the gross receipts we find that the net receipts, after paying all operating expenses, amount to \$869,450. As the business is conducted on a

strictly cash basis, we do not have to consider bad debts; but if it be suggested that we have overlooked breakage, wastage, and incidental expenses, we may be able to dispose of these in this manner: We will assume that fifty tons of liquors were landed in Dawson (it was much more than that), and allowing ten pounds to the gallon, including packing, we find that this amounts to 10,000 gallons, which at \$17 per gallon gives a total of \$170,000. Deducting from this \$35,000, a sum we have already used in our computation of \$700 per ton for merchandise, it leaves \$135,000 to cover breakage, wastage, and incidental expenses. In this calculation we have taken no account of the cost of plant, which is placed by the companies at \$400,000, assuming that this will be taken care of out of the profits on the 2,000 or more tons of freight landed at Forty Mile, Circle City, Fort Yukon, and Minook, all of which is being sold at prices approximating those charged in Dawson. No consideration has been given to St. Michaels and stations on the river other than those named, as they are all assumed to be self-supporting. While this showing of results for Dawson, judged by Klondike standards, may not be considered magnificent, it is certainly pretty good for a bad year. That the miners of the Klondike are able to stand this drain, supplemented by the still more extortionate charges of conscienceless speculators, and yet send out of the country enough gold to astonish the world, indicates that the richness of their mines has not been greatly exaggerated. These figures, which can be applied as well to the Forty Mile and Birch Creek mines, also show why the miners of those two districts, although they have for years been taking out large quantities of gold dust, have never been able to send enough of it to civilization to impress the world with the richness of their mines.

An experienced river man here has made the following statement: "I could buy 300 tons of bacon in Seattle at 8 cents per pound, or a total cost of \$48,000. I could construct a knock-down steamboat of 300 tons for \$30,000, and on the basis of \$18 per ton could land my steamer and bacon at St. Michaels for \$10,000. It would cost probably \$10,000 more to put the steamer together, making her total cost \$40,000. I might not be able to get up the river the same year, but I could surely get up the following summer. Allowing for an expenditure of \$350 a day for twenty days from St. Michaels to Dawson, the cost of transportation on the river would amount to \$7,000. My total expenses, therefore, would be \$105,000. If I could sell my bacon for 40 cents per pound, the price at present charged by the companies, my gross receipts would be \$240,000. I could then set fire to my steamer and turn her loose in the river and still make over 100 per cent on my original investment, with \$30,000 to spare for contingencies."

While the above figures would indicate that there are great opportunities to make large profits in commercial enterprises on the river, it should be borne in mind, as Captain Healey states, that the risks and

difficulties are very great, and that it is necessary to wait two years for returns, while it is quite likely that so many will enter the field that competition will reduce the profits to a narrow margin. No organization with less than \$100,000 of capital could hope under present conditions to successfully compete with the companies already established.

The most successful ventures during the past year, outside of the operations of the companies and the mines, have been in the importation of beef cattle and sheep. Altogether about 350 head of cattle and 1,550 head of sheep were brought over the trails and down the river to Dawson, and all who engaged in the enterprise made money, as they sold their beef and mutton at prices which averaged \$1 per pound. It should be stated, however, that the season was extremely favorable, both as to its length and the condition of the streams, which had to be forded. If the water had been high in the streams a large number of cattle would undoubtedly have been lost in swimming them. One drover reports that in crossing the Chilkat River he was forced to sit helplessly on his horse and see his herd of eighty-five cattle disappear in the quicksand until in many cases only their heads were visible. Fortunately, the quicksand was shallow, and the cattle were rescued by means of lariats, but in an exhausted condition, which rendered it necessary to allow them several days' rest. This drover finally reached Dawson with sixty head, having lost twenty and sold five on the way. In addition to the risks involved, the expenses attending such undertakings were very heavy. A large number of horses were necessary, and although the men employed on the coast were engaged at reasonable wages for the trip, many of them deserted at various points, compelling the employment of others at \$10 a day, and even larger wages in some cases. Some of the drovers were four or five months on the way, and all this time of course were under a heavy expense in the matter of wages and subsistence. It is noteworthy, as showing the uncertainty in the minds of the drovers as to the prices they would be able to secure at Dawson, that two of them who had their herds at Fort Selkirk about the middle of September, awaiting cold weather before slaughtering, were willing and anxious to sell at 50 cents per pound by the quarter to people passing down the river, although, as subsequently learned, beef was selling for \$1 and \$1.25 per pound at Dawson, only 160 miles below Fort Selkirk.

Many small traders made money during the summer by bringing in over the trails and down the river small stocks of goods which brought large prices, this being particularly true of diamonds and watches, which sold at prices that yielded a profit of from 100 to 150 per cent; wolf and bear robes, which cost from \$40 to \$50 in Seattle and sold here for from \$150 to \$250; cow-boy hats, costing \$4 in the States and selling in certain circles for \$17, and many other articles in like proportion. Others did not do so well, some even being forced to sell at prices

which yielded no profit whatever. A large number of men have gone out over the trail this winter (1897-98) for the purpose of bringing in goods of various kinds, but as it is impossible for anyone to foresee what lines will be scarce, this species of gambling is about as uncertain as speculating on the stock exchange.

At first thought it would seem that there ought to be an immense profit in freighting for \$2 per pound, the price offered in October for the transportation of supplies from Fort Yukon to Dawson. The recital of one man's experience in such work during the past fall, with the view of showing the risks involved in such undertakings, may be of interest to the general reader and instructive to those who contemplate embarking in similar enterprises. About the middle of October the leading packer of Dawson, who had been engaged during the summer in packing to the mines, found that it would be necessary, owing to the scarcity of supplies and the consequent falling off of business, to withdraw some of his horses from the trail, and as the lack of feed made it impracticable to employ them in other work, he decided to take them to Fort Yukon in scows and engage in freighting from that point as soon as the ice should form. On the announcement of his intention he was overwhelmed by tenders of \$2 per pound, in advance, for all the freight he could bring back, and as he could transport 1,200 pounds to the animal it was quite clear that under favorable conditions his gross earnings would amount to the comfortable sum of \$21,600; but with a wisdom born of four years' experience in the business, he declined to enter into any agreement, preferring not to run the risk of facing the holders of broken contracts. On October 22 he left Dawson with nine head of horses, loaded in scows, and in charge of five men, one of whom was engaged at \$350 per month and the others at \$200 per month apiece and subsistence. His horses were worth at least \$225 apiece, as he could have sold them for that price for dog meat, and he had purchased three scows at an aggregate cost of \$300. He had employed men at Forty Mile during the summer to cut and store six tons of hay at a cost of \$800. His initial outlay, therefore, was \$3,125, exclusive of supplies for his men. Forty Mile was reached without accident, although the ice was running heavy and strong, and the hay was taken on board and distributed at various points below for the purpose of feeding on the return trip. Twenty-five miles below Forty Mile the scow containing the horses struck a rock, and one of the best animals was thrown overboard by the force of the collision and drowned. The damaged scow was repaired and no further serious trouble occurred until a point about sixty-five miles above Circle City was reached, where it was discovered that the river had closed. It being impossible to proceed with the horses until the ice became stronger, and there being but little feed for them, the packer came on to Circle City afoot to procure enough feed to last until the trail should open. Three hundred pounds of flour was purchased at \$35 a hundred and a dog team employed at

an expense of \$250 to carry it up to the camp. At the end of ten days it was thought that the ice was strong enough for the horses to travel on it in safety, and the attempt was made to bring them to Circle City.

The ice was so thin that all of the horses frequently broke through into the chilling water of the river, and it was with great difficulty that any of them were rescued, three being drowned on the way down. After two weeks of great suffering and privation for man and beast, the packer reached Circle City with five of the nine horses with which he started from Dawson. They were allowed a week's rest, meantime being fed on damaged flour at a cost of \$5 a day per head, and then the packer started with them for Medicine Lake, some sixty miles from Circle City, where he had six tons of hay which he had had cut during the summer of 1896, at a cost of \$360. On the way out one of the horses fell on the ice, breaking his leg, and had to be shot, while another injured himself so badly by a fall that he died. The packer proceeded to Medicine Lake with his three remaining horses, secured some of the hay, and returned to Circle City, where he is now engaged in hauling wood at \$12 a cord. If the horses were in good condition, it would be possible to make \$36 a day to the animal at this price; but as they are very weak and shaky on their legs, their owner works them barely enough to pay running expenses, which are as follows: Wages of three men, \$750 per month; subsistence of men, \$150; subsistence of horses, \$450; total, \$1,350. At the end of the first month the packer dispensed with the services of two men. His expenses for the first month were as follows: Loss of six horses, \$1,350; cost of scows, \$300; wages, \$1,150; subsistence of men and horses, \$700; total, \$3,500. All he has to show for this outlay is three very puny horses that will probably never reach Fort Yukon alive, and nine or ten tons of badly scattered hay that cost him about \$1,000, and that may become available some day, if another man with sufficient courage to bring horses down the Yukon should ever put in an appearance.

While those engaged in freighting with dog teams are more successful than the unfortunate packer whose experience is related above, their returns are far from adequate when the outlay for dogs and the hardships of a life on the trail are taken into consideration. The most successful freighter on the Birch Creek trail last winter, working with a team of eight dogs that cost him \$1,600, made twenty-seven round trips during the freighting season of as many weeks. His gross earnings were \$3,200, of which \$800 is still outstanding, and his expenses were \$1,200, leaving him for seven months of most exacting labor \$1,200 cash in hand—a comfortable sum, it is true, measured by standards which prevail in the United States, but which here was soon dissipated in the purchase of an outfit for the next season's subsistence, and in the payment of other necessary expenses.

The best team engaged this winter in freighting between Circle City and Fort Yukon, a distance of eighty-five miles, consists of eight dogs,

for which the owner has been offered and refused \$4,000 cash. A round trip can be made in ten days with a load weighing 1,400 pounds, exclusive of camp outfit and dog feed. At the prevailing rate, 25 cents per pound, the gross earnings amount to \$350. The expenses are as follows: Wages of trail-breaker, \$100; cost of dog feed, \$80; subsistence of men and incidental expenses, \$50; total, \$230. Deducting this sum from the gross earnings, the freighter has for his ten days' hard work \$120, a figure that is not attractive here, especially when one considers the amount he has invested in dogs, the hard work he has to perform, and the fact that he finds it necessary to spend two or three days at each end of the route to rest his dogs and himself.

It should be borne in mind that the two instances just given are exceptional, and that the average freighter does not do anywhere near as well as those mentioned. Furthermore, the freighters at Circle City have just received the discouraging news (to them) that the scarcity of provisions at Dawson is not as serious as people have been led to suppose, and that therefore they can not hope to obtain more than \$1 per pound for freighting to that place—a rate which yields scarcely any profit, on account of the long haul, necessitating the carrying of so much dog feed that the freight space is greatly reduced.

Thus it will be seen that on account of the difficulties of transportation and the uncertainties of the market, the field for legitimate commercial enterprise on the Yukon is circumscribed and precarious. There is one line of commerce, however, that offers vast opportunities to American enterprise, as the power of the community to consume the commodity involved is so great that it is not likely there will ever be an oversupply. This is the illicit traffic in alcoholic liquors—the curse of Alaska and the source of the wealth of many of its most prosperous citizens, and some who live beyond its limits. The ring, with headquarters at Portland, dominates the entire region from Juneau to the Arctic Ocean, and from the Aleutian Islands to the Klondike, and carries on its operations at every point in the vast territory described where a few white men congregate for the winter, or wherever Indians are gathered in sufficient numbers to justify the pursuit of its nefarious enterprise. Its agents openly boast that no Government official can withstand their blandishments, and in support of the boast do not hesitate to name ex-officials of the customs and revenue service who, after a short term of office here, have returned to private life with large sums of money which by close attention to business and strict economy they were enabled to save from aggregate salaries amounting to probably one-fourth of the sums realized. Primarily, the General Government itself is responsible for this deplorable state of affairs. In the organic act relating to the District of Alaska the importation, manufacture, and sale of alcoholic liquors is prohibited except for “medicinal, mechanical, and scientific purposes.” Conscientious customs officials, one of whose

duties it is to enforce this provision, on arriving here are confronted by the staggering fact that revenue officials are already on the ground issuing licenses to saloon keepers on every hand. What an alluring invitation to corruption, and what an illimitable field it presents for the exploitation of the commercial genius of an enterprising American citizen so constituted that he can detach his conscience and leave it at home! In other ways the provision above referred to possesses wonderful elasticity; for instance, there is extant a permit, issued at Sitka, for the sale during a period of twelve months from its date of 2,000 gallons of whisky for "medicinal, mechanical, and scientific purposes" in a community of such meager population that the quantity of whisky mentioned represents a supply of twelve gallons per capita, and where there is so little sickness from natural causes that a physician who placed his dependence on that class of practice would starve to death, and where the mechanic arts are as yet unborn.

Happily for the honor of the country the present administration of the customs service is clean and vigorous, and the officials here are doing all it is possible to do, under the anomalous conditions, to prevent the sale of liquors, but with their poor equipment and the immense areas they are expected to cover they find it impossible to control the traffic.

It would be far better, even from the ethical point of view, to adopt a properly regulated, high-license system than to retain the present absolutely inefficient provision. Of course, the object of the law, primarily, was to prevent the sale of intoxicating liquors to the Indians; but from the first it has utterly failed to accomplish its purpose. Now that white men are coming into the country to develop its resources, they ought to be given white men's laws and be relieved from the humiliation of being treated like Indians. Under the operation of the present law, which makes liquors liable to confiscation, the dealers import the vilest stuff known to the trade, consisting principally of unrectified high wines and even less inviting raw material. The only whisky sold here that can in any sense of the word be called "good" (and then only by comparison with high wines, etc.), is that which is bonded to Northwest Territory and then smuggled from Fort Yukon and Dawson into Circle City. The practical effect of the law is to force upon the community the worst liquors that can be manufactured, while as to quantity and in other respects the traffic is but slightly restricted.

It might seem that the moral and physical effects of such a condition could easily be imagined by anyone reading the simple facts, but no one who has not witnessed the workings of the law on the ground can have any conception of the blighting influence of the infamous traffic. In this connection a word of warning should be spoken to parents who are afflicted with wayward sons and contemplate sending them to the Yukon in the hope that the pure mountain air and the simple outdoor life may wean them from evil associations at home. From the number

of such young men that have been sent here for a reformatory course it would seem that there must be an impression that this country offers a safe asylum to the victims of perverted appetites; but such is not the case. Young men who need reformation are the very ones who should not come here. Their safe course is to remain where civilization puts its shields around them.

Putting aside all consideration as to its moral and physical effects, it must be admitted that the traffic offers great attractions to the man who wants money so badly as to render it immaterial to him how he makes it. High wines and "hootch" (*a*) command \$30 and \$20 per gallon, respectively, in Circle City at the present writing, while whisky brings from \$40 to \$100 per gallon when obtainable. The saloon keepers charge 50 cents a drink, using a glass that enables them to extract seventy drinks from a gallon. Through the dilution of the raw material in the proportion of two to one they receive about \$100 per gallon for the stuff when sold over the bar. Latterly their industry has been somewhat injured in the matter of profits by unscrupulous wholesale dealers in high wines who have adopted the rule of doing the diluting themselves, thus practically getting from \$40 to \$50 per gallon for high wines formerly sold for \$30. The middlemen complain bitterly of this dishonest usurpation of their prerogative, but are obliged to submit or resort to the only alternative—hootch.

There is absolutely no field in the Yukon basin at the present time for professional men. It would require a population of 20,000 to assimilate the lawyers, physicians, dentists, electrical engineers, etc., now on the ground. A large proportion of this class already here are, apparently, men of fine qualifications and thorough masters of their professions, and in the nature of things will have a great advantage, in the matter of acquaintance with men and conditions, over those coming into the country hereafter. Most of them are spending the winter in idleness, consuming their substance and cursing the country. Nearly all who have the means to return home next year have announced their intention of doing so, but many will be forced to remain here and join the army of the unemployed. They can not work in the mines, and would make poor prospectors; for, as Captain Healey truly states, it requires a man of iron nerve and constitution to stand the hardships of the hills. Typewriter operators and commercial stenographers can find no employment here until the two Governments give to the country a mail service that will enable merchants and other business men to communicate with the outside world.

a Hootch is the Indian name of a vile substitute for whisky that is sold by the saloon keepers throughout the Yukon basin when their supply of the but little less vile whisky is exhausted. It is distilled from an admixture of sour dough, rice, raw sugar, and unsalable dried apples. This product, which is sold by the manufacturer for \$20 per gallon, is exceedingly rich in fusel oil and other diabolical constituents.

"An ingenious process, known only to themselves, the primary step in which is the addition of two gallons of Yukon water, the saloon keepers are enabled to convert one gallon of hootch into three gallons of so-called whisky.

The statements made in the sections on the Klondike and Dawson relative to the opportunities for wage workers are equally applicable to northern Alaska. Many mine owners here are making their calculations on a basis of \$6 per day for labor, and confidently express the opinion that the influx of people next summer will enable them to work their mines at that rate of wages. Whether the reduction will occur next summer is questionable, but it can not be long deferred. When wages drop to \$6 per day this country will offer no inducements to a workingman with a family.

There are two classes of young men that need not be discouraged from coming here. The young man of good health and ample means, who can afford to spend a year or two in looking over the ground and watching for opportunities to invest in mining property, furnishing "grub stakes," etc., will find an attractive field here, and the young man of robust constitution and a capacity to carry 150 pounds on his back all day over a steep mountain trail will stand a good chance of striking it rich in the hills.

Finally, no man should come into the country without at least 1,500 pounds of provisions and sufficient means to take him back to civilization at the end of the year in case of failure.

Since the above was written, a newspaper containing a letter from William Ogilvie, esq., land surveyor of the Dominion Government, has come to hand. On account of his long residence here and his thorough knowledge of conditions on the Yukon, no man is better qualified than Mr. Ogilvie to give advice on the subject treated in this section, and the liberty is taken of quoting a portion of his letter:

To those contemplating coming into the country to advance their fortunes I would say emphatically, consider the reports you hear concerning the rich returns of Bonanza and Eldorado as a matter of history, from which you can derive no more benefit than you would from reading the record of the richness of the finds of Australia and California in the early days. These two creeks, as I have already said, are completely occupied, and I can at present recall only one case where the whole of a claim is the undivided property of one individual. Many of them are split up into four interests, some six, some eight; but even those small interests will enrich the parties holding them.

To-day, had you means to purchase an interest in any of them, you have means enough to stay at home with vastly more comfort and benefit to yourself. To all who contemplate coming in, I would say, very few possess the requisite fortitude and patience for the task before them, and I have no more doubt of the sun rising and setting to-morrow than I have that a very large percentage of those now anxiously awaiting some means of getting into the country, leaving it possibly in a few hours after they have arrived, will be disgusted with themselves for having listened to what they will consider idle tales when once they are landed there.

To a man determined to better his position in life, untrammelled by family cares, with means enough at his command to lay in provisions and supplies for a year at least, of good physique and health, abundance of fortitude and patience, and determined to spend, may be, ten years in one country and see it out, I would say: You possibly can

not do better, though you would probably find at the expiration of that time that your plodding brother or neighbor remaining at home has achieved at least as much worldly success, with much more enjoyment of life and much less physical exertion. There are exceptions to this, no doubt many of them, but it is the rule. If you are determined to try your luck in Alaska, as the whole gold-bearing country is termed generally, come, hopeful and self-reliant, but at the same time have your mind prepared for disappointment, it may be bitter and long-continued.

Bonanzas and Eldorados are not often struck. Such spots are few and far between; but there is other ground, and much of it, too, that will yield as good a return for labor expended as most of the gold mines in the world, I have no doubt. It is, then, Come prepared and determined to find it, and I hope you will succeed in doing so. But do not be disappointed if years roll by without your achieving more than an ordinary living. This is the experience of many men now in the country, who have been in it for years, while some, I know, who were only in it months, went out this season rich.

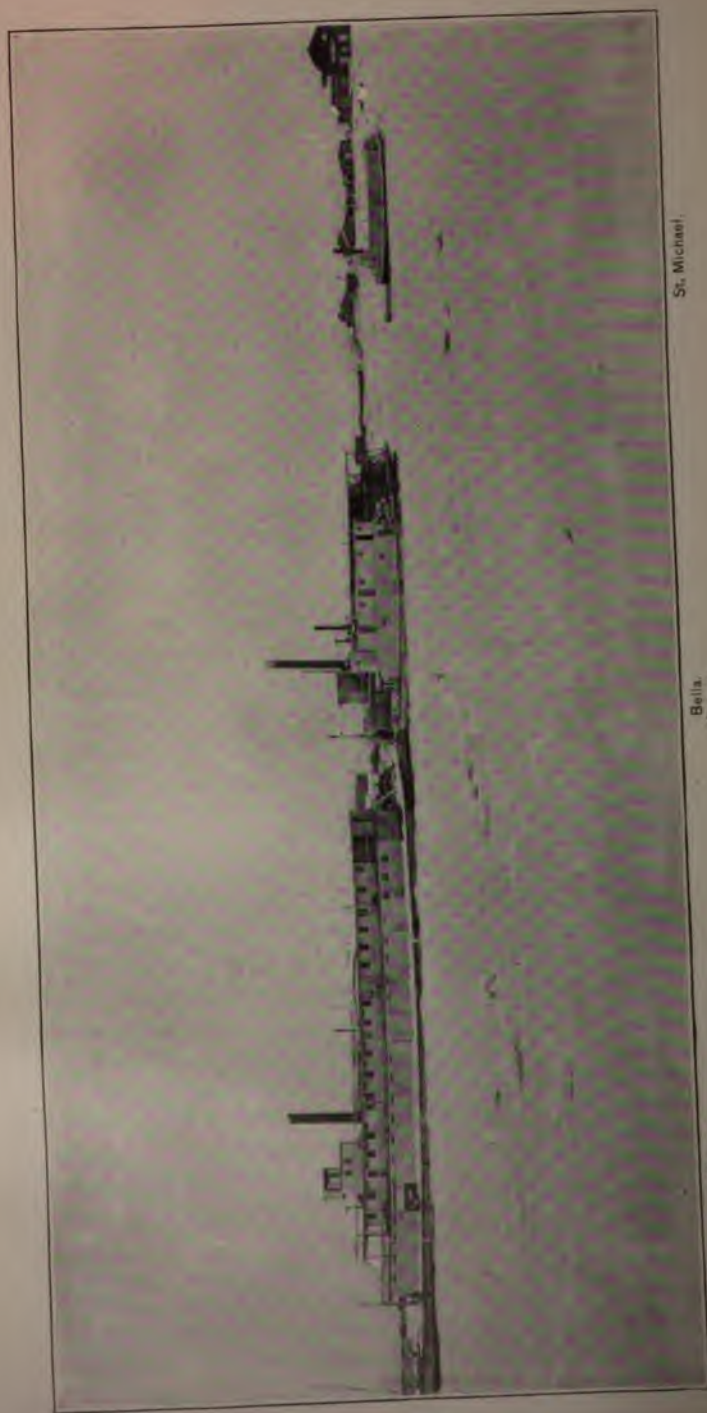
TRANSPORTATION: NAVIGATION OF THE YUKON, POSSIBLE RAILWAY ROUTES, ETC.

The Yukon is one of the great rivers of the world. In length it is exceeded in North America by the Mississippi, the Missouri, and the Mackenzie only, and in the volume of water it carries to the sea by the Mississippi alone, while in the sustained grandeur of its ever-changing panorama of mountain and vale it surpasses all its rivals.

It is formed by the confluence of the Lewes and Pelly rivers, and is 2,155 miles long. Lewes River, so called, which has its source in Crater Lake, in American territory, just below the summit of Chilkoot Pass, nineteen miles from Dyea and 381 miles from its junction with the Pelly, should be known as the Upper Yukon, as it carries a much larger volume of water than the Pelly, the Teslin (Hootalinqua), or the Tahkeena, each of which is claimed by many to be the true head waters of the Yukon. With the Lewes added, the great waterway has an extreme length of nearly 2,600 miles, placing it among the four longest rivers in North America.

In order to furnish accurate information to travelers, and especially to river men and others who contemplate engaging in navigation on the Yukon, great pains have been taken to secure facts from men who have been running on the river for years, and the following matter relating to the subject can be accepted as presenting the most trustworthy data obtainable here at the present time.

The first steamboats to navigate the Yukon above the missions and trading posts on the lower river were the *St. Michael*, the *Yukon*, and the *New Racket*, boats of about twenty tons each, all of which ascended as far as Forty Mile during the season of 1887. The *Arctic*, a boat of 225 tons, belonging to the Alaska Commercial Company, loaded for Forty Mile in 1889, but was disabled in Norton Sound and did not reach that post until the following summer. With the increase of the



St. Michael.

Bella.
Victoria.

STEAMERS IN WINTER QUARTERS, CIRCLE CITY, ALASKA.

Wease.

output of the mines of the Forty Mile district and the development of the Birch Creek mines the Alaska Commercial Company was obliged to make additions to its fleet in order to keep pace with the growing business. In 1892 the North American Transportation and Trading Company entered the field with the steamer *Weare*, and established a trading post at Forty Mile known as Fort Cudahy, which has been followed by posts at Dawson, Circle City, Fort Yukon, and Rampart City (Minook). The Alaska Commercial Company has posts at Dawson, Forty Mile, Circle City, Fort Yukon, Fort Hamlin, Rampart City, Tanana, Nulato, Anvik, and Andreafski. Both companies have large stores and warehouses on St. Michaels Island, which is located in Norton Sound near the mainland, sixty miles north of the Aphoon mouth of the Yukon, and is the distributing point for the Yukon trade. St. Michaels is 3,200 miles from San Francisco, the passage by ocean steamers being made in seventeen days, while from Seattle the voyage is made in three days less. The distance from St. Michaels to principal points on the river are as follows: Fort Adams, 1,250 miles; the Tanana, 1,265; Minook, 1,315; Fort Hamlin, 1,385; Fort Yukon, 1,665; Circle City, 1,750; Forty Mile, 1,997; Dawson, 2,050; Sixty Mile, 2,105; Fort Selkirk, 2,210.

Four of the Yukon boats—*Weare*, *Bella*, *Victoria*, and *St. Michael*—in winter quarters at Circle City, are shown in the accompanying illustration. The *Victoria* and *St. Michael* also appear in the first illustration, the *Victoria* to the right.

The North American Transportation and Trading Company has three boats plying on the Yukon.

The *Weare*, which was launched in 1892, is 175 feet long, 28 feet beam, and 5½ feet depth of hull, and has a carrying capacity of 335 tons when drawing 4½ feet, and accommodations for sixty passengers. She has two fire-box boilers, containing 70 tubes each, and two high-pressure engines, with 13-inch cylinders and 72-inch stroke, which can develop 1,900 horsepower, producing a speed of ten miles an hour in slack water.

The *Healy*, which was launched in 1896, is a little larger than the *Weare*, being 175 feet long, 32½ feet beam, and 5 feet depth of hull, and she has the same kind of machinery as the *Weare*. Her carrying capacity is 400 tons when drawing 4½ feet, and she has accommodations for 125 passengers.

The *Hamilton*, the new boat, which was launched last August, is 190 feet long, 36 feet beam, and 6 feet depth of hull, her carrying capacity being about 500 tons, with 4½ feet draft. She has three 36-tube boilers 42 inches in diameter and 24 feet long, which supply two D-valve, high-pressure engines, with 26-inch cylinders and 7-foot stroke, of 2,500 horsepower. She accommodates 200 passengers, and is the fastest boat on the river, being capable of a speed of seventeen miles in slack water, and making ten miles an hour upstream against an average current. She is provided with electric lights and a search light, and is in every respect a first-class modern river boat.

From an interview with Vice-President P. B. Weare, which appeared in the Chicago Times-Herald of July 28, 1897, the following statement is taken:

We have ordered all the material and machinery for an 800-ton light-draft steamboat, up to date in every particular, including electric lights, to be built this fall at St. Michaels Island. She will be named *John Cudahy* and will be fitted for passengers as well as freight. * * * We are also building a very light-draft steamer, which will run on eighteen inches of water. She will be called the *Klondike*, and will be employed to tow barges during the low-water stage in the Yukon. We are constructing five 200-ton barges, which, when loaded, will draw not to exceed twenty-four inches. We have bought and will take to St. Michaels Island a very powerful tug, which will be employed to tow barges with supplies from Fort Get There (St. Michaels Island) to the town of Weare, 500 [*sic*] miles up the Yukon. She will make two trips this fall. The mouth of the Yukon is choked up by drift from Bering Sea until early in July, fully one month after navigation of the inner river has opened. We can do at least four weeks' work inside before the mouth of the river is navigable. We shall winter all our boats about 400 miles from the mouth of the Yukon.

The Alaska Commercial Company had four steamers running on the river the past season.

The *Bella* is 140 feet long, 33 feet beam, and 7 feet depth of hull. She is provided with hermaphrodite, double-expansion engines without condensers, having a 72-inch stroke and a 14-inch bore in the high-pressure cylinder and a 24-inch bore in the low-pressure cylinder. She has 2,200 horsepower and a speed of twelve miles an hour in slack water. Her carrying capacity is 125 tons when drawing 4 feet of water and a little over 200 tons when loaded to 6 feet draft. She has no accommodations for passengers, having been built specially for towing barges, frequently taking two barges as far as the Lower Ramparts.

The *Alice* is 165 feet long, 33 feet beam, and 8 feet depth of hull. Her boilers and engines are of the same type and power as those of the *Bella*, and she carries 300 tons when loaded to 4½ feet. She has accommodations for seventy passengers, and her speed is about nine miles an hour in slack water.

The *Margaret* is a 400-ton barge converted into a steamboat, having the machinery of the old steamer *Arctic*, which was wrecked last May when the ice broke up, at a point three miles below Forty Mile, where she had been forced to lay up for the winter. The *Margaret* has single-expansion, high-pressure, slide-valve engines, with 14-inch cylinders and 5 foot stroke, of 900 horsepower, and can make nine miles an hour in slack water. Loaded with 300 tons she draws 4½ feet. She has no accommodations for passengers.

The *Victoria* is 85 feet long, 19 feet beam, and 5 feet depth of hull. She is equipped with high-pressure slide-valve engines of 250 horsepower, with 10-inch cylinders and 36-inch stroke. Her carrying capacity is sixty-five tons, and her speed about seven miles an hour in slack

water. She has no accommodations for passengers, having been built specially for upriver freight traffic.

Besides these four boats the company has three 400-ton barges, 140 feet long, 32 feet beam, and 7 feet depth of hull, drawing when loaded $4\frac{1}{2}$ feet.

The company is building at St. Michaels, to handle the growing business, a towboat similar to the *Bella* in size and power, and four barges, each 140 feet long, 33 feet beam, and 7 feet depth of hull, with a carrying capacity of 400 tons. They are also building at San Francisco a steamboat 220 feet long, 40 feet beam, and 5 feet depth of hull. She will be provided with three Otis steel boilers, 42 inches in diameter and 26 feet long, each having five 9-inch return flues and 2,200 horsepower high-pressure engines, with 20-inch cylinders and 72-inch stroke. Her carrying capacity will be 700 tons when loaded to $4\frac{1}{2}$ feet, and she will have seventy-six staterooms, accommodating 152 passengers.

Each of these boats carries a crew composed of the captain, the purser, two pilots, two mates, two engineers, two firemen, one carpenter, two cooks, one watchman, two deck hands, and from twelve to fifty roustabouts, according to the size of the boat and the cargo. The salaries and wages are as follows: Captain, \$2,500 per annum; purser, \$100 per month; pilots and mates, \$100 per month each; engineers, \$120 per month each; firemen, \$2 per day each; carpenter, \$100 per month; cooks, \$75 and \$50 per month; watchman, \$75 per month; deck hands, \$2 per day each, and roustabouts, \$1.50 to \$2 per day each. The pilots, firemen, and roustabouts are usually Indians.

The boats consume from one to two cords of wood per running hour, according to boiler capacity. Wood is purchased at the wood yards for \$4 a cord, or cut by the crew at various points as it may be required.

The passenger rates between St. Michaels and Fort Selkirk are at present as follows: From St. Michaels to Kutlik, \$5; Akuluruk, \$6; Andreafski, \$11; Russian Mission, \$17; Koserefski, \$21; Anvik, \$23; Nulato, \$28; Kokerines, \$35; Fort Adams, \$40; Tanana, \$41; Minook, \$45; Fort Hamlin, \$50; Fort Yukon, \$64; Circle City, \$65; Seventy Mile and Forty Mile, \$75; Dawson and Sixty Mile, \$90; Stewart River, \$95; White River, \$96; Fort Selkirk, \$100. Downstream, the rate from Fort Selkirk to St. Michaels is \$60, and proportionate rates for intermediate points. First-class ticket from St. Michaels to San Francisco, \$120; from San Francisco to Dawson, with an allowance of 150 pounds of baggage, \$175; to Circle City, \$150.

The freight rate upstream is calculated on the basis of 53 cents per ton per running hour, the minimum rate from St. Michaels to Circle City being \$100 per ton; to Forty Mile, \$128; to Dawson, \$136, and to Fort Selkirk, \$150. Downstream the rate is 55 cents per ton per running hour, the minimum rate from Fort Selkirk to St. Michaels being \$70 per ton; from Dawson, \$65; from Forty Mile, \$61, and from Circle City, \$53. It should be stated in this connection that the rates given

for upstream traffic are nominal, as the companies do not carry freight upstream for the general public except in rare cases. The rate for dogs is one-third of passenger rates if in charge of owners; from below Nulato, \$40 per head. Live stock, full passenger rates; minimum charge (other than dogs), \$15 per head.

As detailed under the head of Dawson, the result of the season's navigation was the landing at that place of only 2,930 tons of freight, which is within a few tons of the carrying capacity for one trip of the entire fleets of both companies—a very poor showing, and one that must be attributed to the mistake that has been made in the past of attempting to run the entire length of the river with boats that are too large to navigate successfully that portion of the stream between Fort Yukon and Dawson. It is the unanimous opinion of experienced steamboat men here that no better results can be attained until the companies introduce boats of lighter draft for the upper river, using their larger boats to transport freight to Fort Yukon, and making that place the distributing point for the upper river. A model boat for the lower Yukon would be one 220 feet in length, 36 to 40 feet beam, and 5 feet depth of hull, built on rather broad lines, and equipped with poppet-valve engines of 2,250 horse power. Such a boat could carry 800 tons with 4 feet draft, could make eight round trips during the season between St. Michaels and Fort Yukon, and, in cooperation with three small boats of 200 tons each and of high power, could land in Dawson every season 6,000 tons of freight, or enough to supply the present population of the district.

Capt. E. D. Dixon, an old Mississippi River steamboat man, now in the employ of the Alaska Commercial Company, has furnished the following statement:

The navigation season on the Yukon usually extends over a period of four and a half or five months. The ice breaks up at the Pelly, 2,155 miles from the mouth of the river, from the 1st to the 10th of May, and the upper river clears at the rate of about 100 miles a day, the ice finally running out of the mouth of the river about the 1st of June. Norton Sound becomes free of ice from June 20 to July 1, and the ocean steamers can generally get to St. Michaels during the first week in July.

From St. Michaels to the mouth of the Yukon, a distance of sixty miles across Norton Sound, there is never less than four feet of water at high tide, while at extremely high tide there is a depth of five or six feet, and sometimes as much as ten feet. During low tide there is frequently less than two feet of water at the mouth of the river.

The Aphoon mouth is about half a mile wide. There are four or five mouths to the river, separated by long, narrow islands. Just above the islands that split the river into its various mouths it is about four miles wide at high water; at low water the main channel is not more than four or five hundred yards, but it is very deep.

The Yukon River, from the time you enter the Aphoon mouth until you get to old Fort Adams, a distance of 1,250 miles, has about the same current as the Mississippi from Alton to St. Paul, and is very deep. From old Fort Adams to the Tanana, a distance of fifteen miles, *the current runs about five miles an hour.* From the Tanana to the

Rampart Rapids, a distance of fifty miles, the current is about four and a half miles an hour. The water begins to get swift about four miles below the rapids, and there is a six and a half to a seven mile current until you reach a point three miles above the rapids, which are two miles long. There is plenty of water along there. From there to Fort Hamilton, at the head of the ramparts, the current is four miles an hour. Then you strike the Yukon Flats, where the river gets very wide. There are a great many channels, with islands and dry gravel bars between. At the head of each of those bars there is a riffle, and the water is very swift on the riffles, running from four and a half to six miles an hour. Those riffles average about a mile in length. After passing through a riffle you strike slower water, with a current of perhaps three or four miles an hour. There is a succession of these riffles until you get to White Eyes, seventy miles below Fort Yukon. At White Eyes in high water the river is eight or ten miles wide, with many channels, but in low water there is only one channel and the river is not over two or two and a half miles wide. From there up to Fort Yukon the current gradually increases and the river gets shallower. I have never seen the river with less than six feet of water at any point below Fort Yukon. The shallowest riffle is at White Eyes, and the lowest water I ever saw there was six feet, and that was the lowest water known there for years. At a medium stage of water there is sufficient depth at Fort Yukon. The steamers have been running in the wrong channel. The bed of the Yukon is composed of gravel, similar to that of the Ohio River, and the channels never change except in the spring of the year from the effect of ice gorges. When these occur and get a sufficient head of water to move the gravel it sometimes makes a change in the channel. The channels do not fill up from sedimentary wash. The Yukon is not one-half as muddy as the Mississippi. The Lower Mississippi at low water is muddier than the Yukon at high water. From White Eyes to Fish Camp, twelve miles above Circle City, the current averages about five and a half miles an hour. It runs swifter than that on the riffles, of course. From Fish Camp to Dawson we have a narrow river, averaging about half a mile in width, with an average current of six miles an hour. In ordinary stages of the river there is from six to seven feet of water on the highest bars. The Yukon is an ideal river for navigation. There are no rocks, no bowlders, and no snags to hinder navigation. All the rocks in the river are easily located by the breaks the current throws over them, and they are all near shore. It is one of the prettiest rivers under the sun to navigate. Owing to the frozen condition of the banks they do not cut even in the swiftest places. If it was not for the frost in the ground this river, with its swift current, would cut the banks and wash and spread so that it would be impossible to navigate it. It is a very deep river. There are places where you can not find bottom with an ordinary line. At Nulato and some ways above the Russian Mission the river is quite narrow, not over a mile and a half wide and very deep. It carries there about half the volume of water that the Mississippi carries at New Orleans. There is always plenty of water in the river during the warm season. A great drawback is the early frost at the head waters. When the frost comes it diminishes the volume of the small streams and stops the snow water from coming in out of the small gulches, and that produces low water in the main river.

The Yukon could be navigated successfully if we had Mississippi River steamboat men as captains, pilots, and engineers. Nearly all the men engaged in handling the boats here are deep-water sailors. While

they are good deep-water sailors, they do not know anything about currents and sand bars. After a Mississippi pilot makes a round trip on this river he can read it like a book. He understands locating reefs, shoal places, and landmarks. The Indian has no such faculty and has proved a failure as a pilot. He steers by instinct only, and as soon as it becomes dark he loses his head. Fortunately we have daylight nearly all the time throughout the navigation season.

The fuel question is one that bothers us greatly on the Yukon, especially on the lower river. For the first 600 miles from the mouth of the river we are obliged to depend entirely upon driftwood. This driftwood comes from the upper river and lodges on the shores and on the islands, and the Indians chop it. That is all the fuel we can obtain there. The timber has been destroyed by the action of the ice in the spring. There are islands a mile long and half a mile wide, which were formerly well timbered, that have been denuded of every vestige of timber by the action of the ice, which sweeps over the islands in the spring break-up and cuts trees off like grass blades. Eventually we will have to resort to the use of coal. There is an abundance of coal from the Tanana up, and there is good coal only forty-five miles above here [Circle City], and right at Forty Mile. There is splendid coal in the Lower Ramparts, thirty miles this side of Minook. I have been in the bank myself and took out enough to try it, and I found it first-class coal for making steam. We have to pay \$4 a cord for all the wood we buy for use on our boats. When we run out of wood between yards we land at the first drift pile and all hands go to work with axes and saws and cut wood. We carry from twelve to fifty Indians—as many as fifty and never less than twelve—for this work and pay them \$1.50 a day; sometimes \$2 a day in the fall.

There is some complaint about supplies being so dear in this country. They are not as dear here as they were on the Missouri River during the boom days in the Black Hills. The expenses of transportation and the maintenance of large trading posts and stores have got to come out of what the companies get for the supplies they sell in this country. They have got to construct their boats here, which makes them cost twice as much as they do back home. It cost \$325 a day to run the *Bella* this summer. Then the greater part of the crew must be paid and fed for the entire year; whereas, back home, when a boat is laid up for the winter, the crew is discharged and seeks other employment until the opening of navigation. The *Bella's* crew at the present time consists of twelve men, all of whom are under pay the year round. I receive \$2,500 a year; the engineer, \$120 a month; the mate, \$100 a month; the cook, \$75 a month; the cabin boy, \$30 a month, and three Indians receive \$1.50 a day each. I do not know the wages of the deck hands, as they were hired below. Besides all this expense there is the item of repairs. Our wheel and rudder are badly broken, and we must whipsaw lumber to make repairs. It costs a mint of money to run a boat under such adverse conditions.

Last winter the *Bella* laid up at Fort Yukon. The river opened on May 17, and on May 26 we started for Dawson, with one barge in tow and about 275 tons of freight. We came to Circle City and took on about as much more freight and 225 passengers, and landed at Dawson on June 2. We left the same day for Forty Mile, loaded there with 120 tons of freight and forty-five passengers, and returned to Dawson, arriving there June 5. In the evening of the same day I took my barge in tow and left for Sixty Mile for a load of lumber. We arrived there the next day, and leaving the barge with men to load it, we went on to

White River, with Mr. Harper and Mr. Ogilvie, the surveyor, aboard. We came down from White River on the 7th, hitched on to the barge, and reached Dawson that evening. On the 8th we came down to Forty Mile, and on the 9th we went down to the wreck of the steamer *Arctic*, five miles below Forty Mile, and took her machinery out and put it on the barge, and left on the 13th for the mouth of the river. We got down to the mouth June 23, and laid there two days, waiting for the wind to go down so that we could cross the sound. Then we crossed to St. Michaels and were there three days. We started up the river on our first trip June 28, with one barge and 450 tons of freight, and got to Dawson July 15. We left Dawson July 17 and got to St. Michaels July 25. We loaded up again with 450 tons of freight on one barge, and left St. Michaels July 27, with 39 passengers, arriving at Dawson August 17. Returning, we left Dawson August 18 and reached St. Michaels August 27. We loaded up the steamboat and two barges with 750 tons of freight and started up the river August 31 with 21 passengers. We left one barge at Andreafski and brought the other barge, drawing four and a half feet, to Rampart City. There I put off 90 tons of freight. That lightened the barge up to four feet. Then we came to Fort Hamilton, where I lightened the barge to 26 inches; then we came to Fort Yukon, where we unloaded the barge and the steamboat, and then reloaded the boat with 125 tons of bacon, flour, beans, lard, sugar, tea, and coffee, and proceeded up the river. We left 37 tons at Circle City and put the remainder into Dawson, arriving there September 30. We left Dawson on October 1 and arrived at Circle City October 13, with 126 passengers, having been caught for nine days in the ice on the way down. The *Bella* is now in the mouth of the slough at Circle City for the winter.

The details given by Captain Dixon relative to the depth of water and the currents in the river will undoubtedly be found of great interest and value by pilots and other steamboat men who contemplate entering this field.

The captain's statement in regard to the expense of running steamboats requires some modification, as the figure given by him is merely nominal. In the nature of things the Indians who cut wood along the river have no use for money except to buy the necessities of life, and as a consequence they are paid for their wood in trade. Every steamboat has a storeroom containing an assortment of goods specially selected for the Indian trade and in charge of the purser, whose duty it is to settle with the Indians for the wood they deliver on board the boat. Wood, which now costs \$4 per cord, is paid for in flour at \$4 per sack of 50 pounds; calico, 3 yards for \$1; tea at \$1 per pound, and other articles in like proportion. The flour, which costs \$1.20 per hundred in San Francisco or Seattle, is what is known as "trading" flour, a product which the white man avoids except under stress of impending starvation, but which the Indian is glad to get at any price, because he can do no better, and the tea is of a low grade that sells for about 15 cents per pound at retail in the United States, when it sells at all. Stark Mills improved standard drilling (A) is exchanged at 50 cents per yard, and smoking tobacco that sells for 5 cents a package outside is taken with avidity by the Indians at 50 cents, while they accept at

the same figure per pound, but with somewhat less enthusiasm, a quality of leaf tobacco known as "sheep dip" in the pastoral communities of our western States. It is interesting to note the movement of prices during the past few years in the traffic with the Indians on the river. Formerly the Indians charged \$1.50 per cord for wood, and the companies paid for it in trading flour at \$1.50 per sack of 50 pounds, and other commodities in like proportion as compared with present prices. With the influx of the superior race the Indians learned in some degree the value of money, at least so far as abstract units are concerned, though it is doubtful whether the full significance of the term "purchasing power" has as yet reached their inner consciousness. This new knowledge created a discontent which resulted in an advance in the price of wood to \$2.50 per cord. The companies cheerfully accepted the new rate and at the same time raised the price of flour to \$2.50 per sack, the prices of other articles being increased in like proportion. After a season or two it began to dawn on the aboriginal intellect that the advance in price had not been accompanied by a corresponding increase in the comforts of life, and the price was raised to \$4 per cord, the companies again meeting the demand with prompt acquiescence and a concurrent increase in the prices of their commodities. Here again we have an Alaskan paradox, for the Indians are still dissatisfied with the price they receive for their wood, although it has advanced within a comparatively short period from \$1.50 to \$4 per cord, while the companies, on the other hand, view the increase with complacency, born, of course, of the knowledge that they are getting their wood for what it has always cost them, something less than \$1 per cord. It would seem, in view of the exceedingly favorable terms on which the steamboats secure their fuel, that the Indians, in receiving payment in goods, might be granted at least the choice of selection; but in many cases, as the last sticks of wood are being carried aboard, the whistle is blown and the lines cast off, while the purser thrusts into the hands of one or two of the Indians packages of flour, tea, tobacco, etc., and hustles the crowd down the gangplank to divide their pittance among themselves on shore as best they may.

While the showing in tonnage of freight transported up the river during the past season was exceedingly poor, as stated, the companies were even less successful in handling the passenger traffic. Up to September 3, 1897, the date on which the last steamboat to reach Circle City left St. Michaels, the following-named vessels, which sailed from ports on the lower coast after the commencement of the Klondike "boom," had arrived at that place with the number of passengers indicated: *Humboldt*, 267; *Excelsior*, 113; *Bertha*, 13; *Portland*, 155; *Cleveland*, 163; *National City*, 50; *South Coast*, 45; total number of passengers, 806. At the date named fourteen more vessels were expected to arrive at St. Michaels before the close of the season with probably 1,000 passengers. Of this large number only 72 got as far as Circle City,

and but 38 of these succeeded in getting to Dawson, while about 350 reached Fort Yukon, about 20 remaining there for the winter, and the others returning to various points down the river.

H. T. Watkins, M. D., of Olney, Ill., who was a passenger on the *Cleveland* and who reached Circle City on the *St. Michael*, has furnished the following interesting statement relative to the difficulties experienced in getting up the river:

It is with pleasure that I comply with your request for a statement in detail of the trip of the stern-wheel steamer *St. Michael* from the island of St. Michaels to Circle City, Alaska. On the morning of August 18, 1897, the steamer *Cleveland*, which left Seattle, Wash., August 5, dropped anchor in the harbor of St. Michaels with 160 passengers bound for Dawson, Northwest Territory, Canada. When these passengers got ashore they found the news from up the Yukon River of such a disquieting nature as regarded the food supply at upriver points that each one at once began to devise ways and means of taking provisions along with him. The two transportation companies absolutely refused to carry more freight than 150 pounds of baggage for each passenger. Mr. Shepherd, the agent of the North American Transportation and Trading Company at St. Michaels, defended the position of the company to a committee of five appointed by the passengers of the *Cleveland*, by stating that it would be unfair to the men already in the country without food to carry food for individuals, but that all should share alike when their boats should reach their destination. While these conferences between the trading companies and their passengers were taking place the stern-wheel steamer *St. Michael*, 14½ tons burden, belonging to the Jesuit Mission at that place, came into port. Sixty passengers at once formed a cooperative association called the Y. M. C. A. (Yukon Miners' Cooperative Association), and bought the boat and her barge for \$10,500, assessing each member \$200. After buying the boat they had \$1,500 left for the incidental expenses of the trip. They drafted by-laws for the government of the association, the executive part of the business being put in the hands of five directors, who selected a volunteer crew of sixteen men from the sixty stockholders. Each man was paid \$1 for the trip. None of the crew understood anything about steamboating excepting Capt. E. T. Barnette, of Helena, Mont.; Thomas Marshall, of Gloucester, Mass., mate, and W. L. Thompson, of Galway, Ireland, second mate. The engineer was Charles R. Stewart, of New York. The balance of the crew was fully represented by a lawyer, a doctor, clerks, drummers, miners, and a poor, lone tramp printer. Each share of \$200 represented a one-sixtieth interest in the steamer and barge, and entitled the shareholder to the privilege of transporting 1,000 pounds of freight to Dawson or any intermediate point on the river, but not to passage for himself. All the stockholders, except the crew, took passage up the river on the steamer *Healy*. Each stockholder gave the secretary a list of the kind and amount of provisions he wished, and the aggregated amount of each kind of provisions was bought and loaded on the boat and barge in a common cargo of thirty-five tons, including the baggage of the crew. On the morning of August 29 the *St. Michael* put to sea, bound for the Yukon River. The sea was too rough for a boat of her size. The swells at times lifted the stern of the boat clear of the water, and her wheel at such times would make two or three rapid revolutions in the air and the next minute be half submerged in the succeeding swell. She put

back into the harbor of St. Michaels and traversed the canal that passes through the island, at the mouth of which she laid over until night, when she made the run across Bering Sea to the mouth of the Yukon River, which was reached early the next morning. Here we had great difficulty in entering the river. Our Indian guide, called by courtesy "pilot," apparently did not understand the route into the river by the main channel, for after putting the boat hard aground the second time that morning he lost his head completely, and the only expression we could elicit from him was, "Me no savey, me no savey." After great labor with capstan and spar the boat was worked into deeper water and the anchor dropped, and a channel deep enough for the boat to enter the river was found by sounding in a rowboat ahead of the steamer. Six hours were lost here in getting off the bar and hunting a deep channel into the river, and the boat barely reached fuel in time to escape the predicament of being practically at sea without motive power, as we were burning our last cord of wood when we reached the first wood pile on the Yukon. Our Indian guide had often piloted this same boat into the Yukon River, but never before with a cargo, and had been in the habit of entering the river regardless of channels. Unloaded, the steamer drew about eighteen inches; loaded as she was, her draft was three feet nine inches, and this explained the failure of the Indian guide. The deepest water we found at the mouth of the river was four feet, but we had missed the opportunity of entering the river at high tide.

The greatest difficulties encountered, aside from some troubles that occurred between the stockholders in the enterprise during the latter part of the trip, were the finding of trustworthy pilots and securing wood for fuel when needed and in getting through some stretches of very rapid water encountered on the trip. If the captain and the two mates of the *St. Michael* had not been good judges of bad water it would have been impossible for the boat, manned as she was, to accomplish her passage of 1,750 miles up the river. During the early part of the trip the Indian pilots took their turn at the wheel with the captain and the mates, but they very soon proved their inefficiency by getting into shoal water and on bars and were relieved of this duty entirely and used merely as guides to the river, it being difficult to find the main channel without them, as the river is cut into many channels by islands so large that to a stranger to the water they have the appearance of being the mainland. In justice to the Indian pilots on the other boats plying the river it must be said that it is very probable that we had to deal with men that were not experienced pilots, as it is likely that the transportation companies have all the experienced river pilots in their employ.

Another trouble which arose in dealing with the Indian guides arose from the fact that they have no sense of honor as regards contracts. None of the guides was paid less than \$4 a day, yet one of them struck for higher wages four times in coming a distance of 150 miles. We acceded to his demands each time, but when we reached his stopping place we paid him, as per original contract, \$4 a day.

At noon on September 4 we reached the Holy Cross Mission, 370 miles from St. Michaels. Here we stopped to get some tools belonging to the boat and visited the mission school for the education of Indian children. It contained about thirty boys and thirty girls. This is the only point on the river where we saw a pound of food that had not been imported into the country. Through the kindness of the mother superior and Sister Mary Winnifred we were shown through the garden of the

mission. This garden was planted in the middle of May, two weeks before the ice broke up in the river, and was worked at night, as at that season of the year this is the land of the midnight sun. The garden contained potatoes, cabbage, rutabagas, turnips, and cauliflowers. The sisters had a hill of potatoes dug in our presence, and it contained fifteen large and three small potatoes, fully matured. The cabbages were large and the heads solid and firm. They were of the Early Jersey Wakefield variety, the only kind found by experiment to mature into solid heads in this latitude.

Up to the time we reached Nulato, 630 miles from St. Michaels, where we arrived September 8, no difficulty was experienced in regard to fuel. Plenty of cord-wood was found for sale at the uniform price of \$4 a cord. This was paid for in money and in trade. At the missions and trading posts the Indians demanded money for their wood; at their huts, remote from posts or missions, they were paid in trade—four cupfuls of sugar or tea for \$1. This trading tea was vile stuff. Calico was accepted by the Indians at 25 cents a yard, and other articles at the same ratio. During the latter part of the trip cord-wood was scarce, and the crew almost daily had to cut the wood for a day's run. The boat would be stopped at drift piles and the wood put aboard in long lengths and cut for the furnace while the boat was in motion. Often we could not make a landing at the drift piles on account of shoal water near the shore. In such cases the anchor was dropped and the fuel loaded on the steamer with a rowboat. For a distance of thirty miles above Rampart City (Minook Creek) dry wood of any description was exceedingly scarce. There is plenty of green wood, which we attempted to burn, but we could not keep steam up with it. During this time of scarcity of fuel we discovered a vein of coal about eighteen miles above Minook Creek. The boat was stopped and about two tons of coal dug from the mountain side and loaded aboard the boat. The quality of this coal was very poor, and the most of it was dumped overboard the next day, having slacked to dust in that time. In my judgment this question of ready fuel for boats next year will be the key to the solution of the problem of supplying sufficient food for the increasing number of people coming into the country. If the number of boats plying the river is very largely increased next year, the demand for ready fuel will far exceed the supply.

The steamer met with several serious accidents on the way up the river. Two blow-outs of the connections in the steam pipes delayed us seriously on the trip, as we had to lay up until the damage was repaired. The first accident occurred on the second day out, while the boat was wooding, and the second occurred just below Rampart City. This last accident completely disabled the boat in midstream. The Stars and Stripes had just been hoisted on the flagstaff, so as to go into the city with colors flying, when the exhaust suddenly stopped. The boat was immediately enveloped in steam and began to drift helplessly down stream. She drifted about a mile, when she was gotten under control sufficiently to make a landing, when the damage was repaired. We lost about twenty hours in making the repairs necessitated by these blow-outs. An accident to the machinery of a boat plying this river is a serious matter unless the boat carries duplicate parts for her engines and steam connections, which the *St. Michael* had only in part, for they can not be replaced on the river or anywhere on the coast short of Seattle or Portland.

Early in the morning of September 7 the dreaded cry of "Fire!" was heard aboard the *St. Michael*. The captain was at the wheel at the

time. He placed it in charge of the mate and came below, and found on investigation that the timbers beneath the fire box were burning. He ordered all doors and windows closed and excluded the air from the fire as much as possible by the use of sacks of flour and corn meal. The boat was run about a mile upstream and a landing made, where the smouldering fire was extinguished. It was impossible to make a landing sooner on account of long stretches of bars and shoal water on either shore. This part of the narrative of the trip should not be passed without saying that in all probability the career of the *St. Michael* would have ended at this point if it had not been for the coolness and rare presence of mind displayed by the captain and the fidelity in the execution of commands shown by the two mates in this hour of rare danger.

We reached Minook Creek (Rampart City), 1,000 miles from St. Michaels, at 8 a. m. September 14. Here we found fourteen of our stockholders, who preferred remaining at that point to proceeding farther up the river, as the steamer *Hamilton*, returning down the river, had reported that it was impossible for boats to proceed farther than Fort Yukon on account of the low stage of water in the river. Their share of the cargo was given them and the journey continued. At Minook we learned the sad news of the death of H. B. Tucker, by freezing. He was from Troy, N. Y., being a son of the proprietor of the Troy Press and a stockholder in the steamer *St. Michael*. The circumstances attending his death were peculiarly sad. He started with three companions to go fourteen miles up Minook Creek for the purpose of locating a placer mining claim. Each man took a pack containing two blankets and food for two days. They reached the ground and located their claims the next day, and started back to Rampart City, at the mouth of Minook Creek. The party became separated, two going one way, and Mr. Tucker and Mr. D. P. Powell, of New York, taking another route. Night overtook Tucker and Powell before they reached their destination, and they built a fire and camped for the night on the trail. It had been snowing all day, and the snow continued to fall throughout the night. The next morning they breakfasted on two sea biscuits and a cup of coffee, all the food they had left, and resumed their return journey. After traveling about three hours, Mr. Tucker complained of being very tired. They rested a while, and before resuming their way, Tucker said that he was very chilly. After walking another hour he wished to rest again, but his companion urged him to continue walking, as he was afraid they might not be able to reach their destination before night, for the walking through the moss and wet snow with which the country was covered was very difficult and slow. In a short time Powell noticed that his companion was not following him, but was wandering blindly from the trail in the opposite direction. He went to him and said, "Tucker, this is no time for pranks." To this remark he received an incoherent reply. He then realized for the first time that Tucker's condition was serious. He led him back into the trail and urged him on before him. In a short time Tucker sank to his knees, and could not be urged farther; in fact, he could not be roused sufficiently to elicit a reply to questions as to his condition. Powell then placed him in a sitting posture beside a tree, wrapped all the blankets they had about him, and started for help. In the course of half an hour Powell met two men on the trail, and the three started at once to Tucker's relief, but when they reached him he was cold and stiff in death. Two days later he was buried in a rubber blanket on the trail where he died, there being no lumber at this point with which to make a coffin. This account of the circumstances attend-

ing the death of Tucker was given me by Powell, his traveling companion on the ill-fated trip. There being no civil officers at Rampart City, the stockholders of the Y. M. C. Association held a meeting aboard the *St. Michael* September 15 and appointed Mr. Frank Gleason, of Davenport, Iowa, and Mr. George M. Reed, of Boston, Mass., joint custodians of Mr. Tucker's effects. His 1,000 pounds of food aboard the boat was sold for \$123.85, the amount expended in its purchase at St. Michaels, and placed in the ship's stores. The gentlemen named were instructed to put themselves in communication with Mr. Tucker's parents and send this money and his other effects to them. Mr. Tucker died September 11, and his was the second death occurring among the passengers of the *Cleveland*. The other death occurred on board the *Healy*, just below the Greek Mission. The deceased's surname was Georg, a Syrian, from Washington, D. C. He was buried at the Greek Mission. After a delay here of thirty-six hours in discharging a part of the cargo and repairing some steam connections, the boat proceeded on her way up the river.

Another stop was made at Alder Creek, twenty miles above Rampart City, on account of the serious illness of the captain, and also to allow the crew to locate placer mining claims on this creek, which was the center at that time of a wild stampede from Rampart City, gold being found there in paying quantities. Most of the crew located claims here, and here we got a clew to the mystery of how a strong person could freeze to death in this latitude in the month of September. All the crew, except the captain and surgeon, started up the creek early in the morning of September 16, and had to walk about twelve miles before they reached the portion of the creek not staked. All were strong, healthy men, and each carried a pack of about thirty pounds on his back. The weather was damp, but not severely cold. It had been snowing some each day for a week, and the small mountain streams had been frozen to a depth of an inch. About 4 p. m. the men began to get back to the boat and continued to straggle in until 10 p. m. With but three exceptions they were almost completely exhausted and their features pinched and haggard. After sitting down for a few minutes they would begin to shiver and their teeth to chatter. An examination disclosed the fact that each man's clothing was wringing wet, necessitating a complete change of clothing. This moisture results from perspiration, and is a source of great danger to men inexperienced in this climate. The freedom with which a person will perspire here under continued exertion is something remarkable. The cold forms a fine coating of frost on the outside of the clothing when worn to fit the body snugly, which gives it practically an impervious coating. All moisture is retained within, and it is a dangerous thing to sit down on the trail to rest when in this condition, as the chilling of the body occurs very quickly. Most persons come into this country with preconceived ideas of combating the cold. They bring the heaviest of clothing and furs with them, which are all right and necessary for use about camp or when riding, but when on the march or doing heavy work, lighter clothing is preferable, if not absolutely necessary. At the hour of 10 p. m. six of the crew had not returned to the boat, and the surgeon took a lantern and started up the trail to meet them. He met the first four about a quarter of a mile from the boat. They were badly exhausted, and told him that Thomas Marshall was behind assisting one of the men, who had completely given out. He found them a short distance farther up the trail. Mr. Marshall was carrying his own and also his companion's pack and assisting the exhausted man to walk, with an arm around his waist. The man was helped to the boat, stripped, and put

to bed, having undergone an experience which it required an Alaska climate and moss to duplicate. This man was strong and weighed 190 pounds, being a miner from Montana who had roughed it for years in the mountains of that State. His powers of endurance had been all right until he stopped with three companions toward nightfall to make a cup of coffee. He then became chilled from the wet condition of his clothing, and shortly after resuming the trail, gave out. The condition of his companions was but little better. They attempted to make a fire and camp, but could not find dry wood in sufficient quantities to make a fire large enough to dry their clothing. Mr. Marshall, who had to go the greatest distance to locate his claim, overtook them on his way back, and realizing the danger in the situation, took the exhausted man's pack and urged them all forward. The trail crossed and recrossed the creek scores of times, and the man was so weak that he could not wade the creek without being swept from his feet. At these places Mr. Marshall placed him on his back and carried him across, and when he reached the boat, after six miles of this work, he was apparently unconscious that he had been doing a noble work that day, but every thoughtful man who looked into his pinched and haggard face knew that he was a hero. Some of the men who started that morning returned without accomplishing their object on account of the difficulties encountered walking through moss a foot or a foot and a half deep. The three who came back in the best shape kept in motion all day and had no opportunity of getting chilled.

The captain's condition the next morning was not improved. He had been suffering intensely for two days with pleurisy and a form of enteritis, and the motion of the boat was agony to him. He was strongly urged by the surgeon and crew to have the boat take him back to Minook, where he could be put in a cabin and properly cared for, as the superstructure of the boat was nothing but a mere shell of thin woodwork inclosing the engine and boiler, covered with canvas, and could not be kept warm. He refused to consent to this, saying that he had promised the shareholders when in St. Michaels that as long as there was one of them above him on the river nothing short of conditions which could not be overcome would keep him from taking their food to them, and that he preferred the increased chances of death aboard the boat to a failure to keep his promise. He placed the boat in charge of the mate, and at noon, September 17, the *St. Michael* was under way again, having lost eighteen hours of running time at Alder Creek, the whole of the 16th and half of the 17th, the boat following the usual custom of the river of laying up at night.

On September 19 the *St. Michael* met the *Healy* coming down the river. She had twenty-five passengers of the steamer *Cleveland*, returning back home; also six of the stockholders in the steamer *St. Michael*. The latter were taken aboard, and the boat proceeded on her way up the river, reaching Fort Yukon on the 23d, in the evening. Here we found twelve more of our stockholders, they having been left at that point by the steamer *Healy*, her captain claiming that he was unable to proceed farther up the river on account of the low water. We learned here that the steamers *Alice*, *Hamilton*, and *Healy* had discharged their entire cargoes at this point and returned down the river. The steamers *Bella* and *Weare* had discharged the greater part of their cargoes at this point also, and proceeded up the river with light loads. The *Bella* also dropped her barge at this point, having previously discharged about one-third of her original cargo at Fort Hamlin. Why the steamer *Weare* did not pick up the passengers left at this point by the steamer *Healy* and carry them to their destination is an enigma to all

intelligent men who know the circumstances of the case. Both boats belong to the same transportation company, and all the passengers held tickets, purchased from this company, calling for transportation from Seattle to Dawson. There was no shelter for them at Fort Yukon, and it was the most inhospitable point at which to leave them, being the only trading post on the river strictly within the Arctic Circle. The twelve stranded stockholders were taken aboard the *St. Michael*. The boat was crowded far beyond her capacity, part of the men being compelled to sleep in the open air, on the canvas top of the boat. We lost twenty-four hours at Fort Yukon shifting the cargo to make room for the additional men and their effects, and left that point at 3 p. m. September 24. A man was placed on the bow of the boat, and one was also placed on the barge, with poles to sound the depth of the channel over the bars above Fort Yukon. We were reliably informed at Fort Yukon that the *St. Michael* was drawing too much water (42 inches) to get over the bars. We found at the shallowest part of the channel four and one-half feet of water.

On the evening of the 28th Circle City was reached. Ice began running in the river during that night. Part of the stockholders concluded to stop here, and their part of the cargo was put ashore, this work occupying the whole of September 29. Nineteen of the stockholders concluded to risk and attempt to proceed on the way to Dawson. The weather grew colder, and the next day, the 30th, the ice was running so thickly and the river falling so fast that the conclusion was reached to wait for softer weather. One of the factors that forced this decision was the fact that we were compelled to drop our barge here and load the remainder of the cargo on the boat. This put her eight inches deeper in the water. The barge was a double-bowed barge of twenty tons burden. Instead of moderating, the weather grew colder, and the river partially closed, freezing toward the center from both shores to a depth of eight inches. This shore ice lessened by two-thirds the navigable width of the river, leaving a narrow channel between of swift water, filled with moving cakes of ice. By October 10 the weather moderated and the river began to rise. The captain had the forward part of the boat sheathed with sheet-iron to protect her from the running ice, and also had a channel cut through the ice from the boat to the running water in the river. This channel was 30 feet wide and about 350 feet long. These preparations were made with the intention of proceeding on the way to Dawson as soon as the boat was loaded.

At *St. Michael's* the men who entered the cooperative scheme to buy the steamer hoped the outcome of the venture would prove a happy illustration of the benefits of cooperation, and the venture as far as Circle City benefited all the men interested. They got a year's supply of food for each into the country, and proceeded farther into the interior than any of their fellow passengers from Seattle, except Capt. P. H. Ray, U. S. A., and one other individual. These two passengers were taken from Fort Yukon on the steamer *Bella*. The cost of a share of stock in the boat and a year's supply of food for each individual amounted to less than one-half the cost of the same amount of food if bought in Circle City, not to say anything of the difficulty of purchasing food here at any price. If the boat had been a complete loss at her destination each stockholder would have been the gainer in dollars and cents from this one trip. But unhappily the tale of this trip of the *St. Michael* would not be complete if the reasons were not given for the failure of the boat to proceed farther on toward her destination. As stated previously, the weather began to moderate, a channel was cut through the ice to get the boat into running water, and the effects of the nine-

teen men who had concluded to go on to Dawson were being loaded when the first difficulty in the cooperative scheme occurred. The stockholders who intended to remain in Circle City sold their stock to other parties who wished to go to Dawson, and these purchasers claimed the same rights and prerogatives as the original purchasers of stock, and insisted on taking 1,000 pounds of freight each aboard. We submitted our difficulties to a board of arbitration, composed of Capt. P. H. Ray, U. S. A., and Mr. Charles Eaton and Mr. L. Poot, of Circle City. They decided that a transfer of stock carried with it all the rights of the original purchasers, and that each stockholder was entitled to carry 1,000 pounds of freight aboard the boat. The boat could not carry the load, and it was impracticable to take the barge, as the engine was not powerful enough to tow it through the narrowed channel formed by the ice extending from each shore. We had learned this from our experiences coming up the river. Just below the mouth of the Tanana we had had great difficulty in proceeding upstream on account of the force of the current and the absence on both shores of eddies in the water of which advantage might be taken. We eventually got up into less swift water by quartering across the river several times, gaining a little with each tack across the stream. At that point we were four hours in moving upstream one mile. Between Fort Yukon and Circle City we struck another very rapid stretch of water, and succeeded in overcoming it by the same maneuvers; but our progress through it was painfully slow. After the decision of the arbitrators, Captain Barnette decided that it was useless to attempt to go farther up the river; but we were all monomaniacs on the subject of getting to Dawson, and persuaded him to make the attempt, even overloaded as the boat would be. Accordingly, on the morning of October 15, the *St. Michael* was backed through the channel cut in the ice into the running water in the river. Here she was unable to breast the current, and after half an hour's attempt to go upstream the captain made a landing, and told the men that it was hazardous to attempt and impossible to go up the river unless half the men would consent to remain behind and allow the others to go. Each man wished his neighbor to remain but wanted to go himself. In disgust the captain resigned, and he, with the two mates and the surgeon, had their effects unloaded and bade adieu to the *St. Michael*. The remainder of the shareholders elected a new captain, employed the engineer of the steamer *Victoria* and the pilot of the steamer *Bella*, both of which steamers were at the time in winter quarters at this point, and during the afternoon of the same day made another attempt to go up the river. They left about 1 p. m., and at 5 p. m. had progressed only about one mile above Circle City. What happened there is best told in the words of one who was aboard of her. He said: "When we left Circle City the new engineer placed the safety valve at 140 pounds, 20 pounds higher pressure than she had been run with previously. At a sharp bend in the river, about a mile above Circle City, the boat was unable to make any headway against the current. At this point a steam connection above the boiler began to leak. The fireman noticed this, and cried, 'Save yourselves; the boiler is bursting.' A wild stampede occurred among the passengers and everyone lost his wits. The pilot attempted to land the boat, but before he reached the shore ice the boat struck a bar and hung helplessly there, about twenty feet from the ice along the shore. Here the crew worked all night taking the cargo from the boat, and eventually lightened her enough to get her off the bar. The next morning they reloaded her and returned to Circle City, wiser men by an additional day's experience."

If this statement of our difficulties in navigating this slightly known river shall prove of any value to others who are contemplating a like venture, we shall have been amply repaid for its preparation.

A large number of the tributaries of the Yukon are navigable for a distance of from 50 to 400 miles. The Tanana can be ascended at ordinary stages of water to the last-named distance by boats drawing four feet. For boats drawing three feet the Andreaafski is navigable for 100 miles, the Koyukuk for 300 miles, and the Porcupine for 155 miles. The Stewart River can be navigated 220 miles by boats drawing thirty inches, and boats of like character can ascend the Pelly 250 miles in high water. White River is navigable for boats drawing three feet to a distance of 150 miles in high water. Lewes River can be navigated by boats drawing thirty inches from its mouth to Rink Rapids, a distance of fifty-three miles. In the opinion of experienced river men it is not possible to take a boat through Rink and Five Finger Rapids, which are about six miles apart, although, as stated in the section on The Trails, it is authentically reported that Canadian capitalists are building boats to run from the head of Lake Teslin down the Teslin (Hootalinqua) and the Lewes to Dawson. If this be so, it will be necessary to line the boats through both rapids. The distance from the mouth of the Teslin to the head of Lake Teslin is 332 miles, and a surveyor of the Dominion Government, who came down the river in October, reports that he found from one to twenty-eight fathoms of water in the lake, which is 105 miles long, and not less than five and a half feet in the river, which was at low stage at the time of the soundings. From Five Fingers to the White Horse Rapids, a distance of 217 miles, boats of three-foot draft would have no difficulty at a medium stage of water, while boats of four-foot draft could successfully navigate the upper river from Grand Canyon through the lakes to the head of Lake Bennett, a distance of ninety-nine miles. It is possible that some dredging would be necessary to enable boats to get over the shallow bars at the foot of two or three of the lakes.

Thus it will be seen that the Yukon and its tributaries constitute a vast system of waterways of about 4,000 miles in aggregate length and navigable for boats of from 200 to 800 tons, and it should be borne in mind that there are numerous streams which have not been explored that may eventually bring the figure to 5,000 miles or more. This magnificent network of navigable rivers must in the nature of things be the most important factor in the future development of the greatest mineral zone on the American continent.

The only practical means of transportation for long distances available in this country during the winter is the dog team. Horses were used last winter between Circle City and Dawson, but they proved a failure on account of the difficulty of securing feed. Dogs are used in large numbers for freighting to the mines and between points on the river, being attached to sleds by means of a simple harness constructed of light leather or strips of canvas. The standard sled is seven feet

long, sixteen inches wide, and five inches in height, made of birch and shod with steel or brass. The usual number of dogs in a team is four, but quite frequently six or eight are used and sometimes even more. A good dog team will draw 200 pounds to the dog, including the camp outfit, and from twenty to thirty miles a day can be made on a good trail. The dogs are fed on dried salmon, when obtainable, the allowance to a dog being about two pounds per day. Owing to the poor local run of salmon during the past season dog feed is very scarce, and it is necessary to resort to the use of bacon, lard, and rice, which brings the cost of feeding a dog up to about \$1 per day. As there are no trails except from points on the river to the mines, it is necessary, in order to reach the coast, to travel over the ice on the river. The Yukon, like all long rivers flowing north, freezes first at the mouth, and the mush ice from the headwaters is caught by the solid ice toward the mouth and piled up in jagged ridges from five to twenty feet in height. When the river finally closes these ridges occur every mile or so and at every bend, while the intervening stretches present an indescribably rough surface, composed of up-edged ice cakes. In order to travel on the ice at all one must wait until the snow falls to a sufficient depth to fill up the rough places, and then a trail has to be broken by the use of snowshoes before the dogs can draw the sleds. Although the river generally freezes over by November 1, it is seldom that the trail is in good condition before Christmas. The journey from Circle City to Juneau, a distance of 865 miles, has been made in twenty-seven days, but the usual time is from forty to fifty days. During January and February the temperature frequently drops to 60 or 70 degrees below zero, and the trip is one that few men care to undertake.

As there are many practical men on the Yukon who have declared their intention of remaining in the valley until they can ride to the coast in a Pullman, it may be pardonable for one who knows less than they of the difficulties involved to refer to the subject of a possible railway. There is a very strong impression here, born more of hope, perhaps, than of positive information, that steps will soon be taken to construct a railroad from the head of Lynn Canal, by way of Chilkat Pass and the Dalton trail, to Fort Selkirk. Some heavy grading would be required from Pyramid Harbor to the summit of Chilkat Pass, a distance of seventy-five miles. From Chilkat Pass to the Yukon, by the proposed route, is about 325 miles, and those who have passed over the trail state that but few expensive cuts would be necessary, as the country for the most part is made up of low rolling hills and prairies, and very little bridging would be required. The greatest advantage which a road striking the Yukon at Fort Selkirk would have over one entering the country by the Taku route, or from the Stikine to the head of Lake Teslin, would be that it would avoid the rapids in the Lewes River. It would solve the problem of transportation for the upper river section as far north as Forty Mile, as light-

draft steamers could ply between the terminus of the road and Forty Mile for five months in the year, making two round trips a week.

Captain Ray, who has given a good deal of thought to the subject, has made two reports to his Department, recommending the construction of a railroad from the head of Cook Inlet or Prince William Sound to the Tanana River and thence to Circle City, and he has asked that an officer of the Engineer Corps be sent to make a survey of the route in the spring, in time to cooperate with him. The Indians of the Tanana pass to and fro over the proposed route all winter, both to Circle City and to the trading post at the mouth of the Sushetna. The distance by this trail from the head of Cook Inlet to the mouth of the Tanana is about 350 miles, and to Circle City about 450 miles. The shortness of this route, and the fact that it communicates with the open sea, is entirely in our own country, can be operated all winter, and intersects our richest mining districts, commend it strongly to Captain Ray's favor. By making a terminal at the mouth of the Tanana, and another at Circle City, American merchants can dominate the trade of the entire Yukon Valley, not only in our own country, but in British North America. The completion of a Canadian railroad to the Yukon would be disastrous to American trade in this section, as American products would be discriminated against and Canadian merchants would do in Alaska what American merchants are now doing in Northwest Territory. As the development of the mining industries of all of Northern Alaska is paralyzed by the lack of sufficient food supplies at reasonable prices—the commercial companies, as now managed, being unable to meet even the present demand—the project of a railroad by the Cook Inlet route should commend itself to the consideration of American capitalists.

THE UNITED STATES MAIL.

Aside from the all-important question of the food supply, the greatest hardship imposed upon the people of the Yukon basin, and the one against which the most general complaint is heard, is the poor mail service. The mail contract for the Circle City route calls for a monthly letter service between Juneau and Circle City, at a compensation of \$6,000 for the year—an absurdly inadequate amount under the abnormal conditions existing here. (a) On account of the high compensation

It is proper to say that the conditions relating to the mail service, set forth in the next few pages, will no longer exist after July 1, 1898. The Postmaster-General, on March 29, 1898, awarded a contract for carrying the mails from Juneau to Weare, Alaska, at an annual compensation of \$56,000. The contract provides for two round trips a month for a period of four years, beginning July 1, 1898. The contractor obligates himself to provide supply and relief stations and to stock them with ample supplies and provisions, reindeer, and dogs. The contract also calls for Laplanders, carriers, and dog teams in sufficient numbers to insure regularity of service. The principal intermediate points on the route are Dawson and Forty Mile, Northwest Territory, and Circle City, Alaska. The Canadian Government has consented to the establishment of necessary supply stations on her territory.

demanding by carriers, the great cost of supplies, and the immense prices which dogs command, it is impossible for a contractor to make any profit on a yearly contract at a less rate than \$25,000. If the contract were extended over a period of years the service could be performed for less, perhaps, as the contractor would then be justified in making proper preparations in the way of the establishment of stations, the purchase of dog teams, etc., which he can not do under a yearly contract and at present prices. At least seven round trips during the year must be made on the ice, and as a round trip consumes from three to four months, it is necessary to have four carriers constantly on the road. It is essential that their wages be sufficiently large to make it an object to return to Juneau; otherwise they are apt to remain here and let the outgoing mail accumulate, to be taken out by the first steamboat in the summer. A dog team such as would be required for the service costs at least \$1,500, and four of these would represent an initial outlay of \$6,000, or nearly as much as the present contract allows. In addition to the carrier an Indian would have to be employed to accompany each team, to handle the dogs or break trail, at a cost of \$100 or \$125 per month and subsistence. Under the most expeditious schedule that could be arranged it is probable that for seven months in the year at least eight men—four carriers and four Indians—would be constantly under pay, at an aggregate cost in wages and subsistence of not less than \$1,500 per month. The expenses during the four or five months that small boats can be used on the upper river would be considerably less; but it is probable that the outlay in wages of carriers and Indians and the subsistence of men and dogs would reach fully \$18,000 per year. These figures are not given haphazard, but are based on careful calculations made by men thoroughly familiar with the conditions, two or three of whom have carried the mail and know whereof they speak, and one of whom, after an experience of three months as a subcontractor, at a time when the compensation was larger than it is now, found himself \$3,200 out of pocket.

Mr. Joseph Demars, the mail carrier who brought in the mail which left Juneau September 6, arrived here October 12. He left Juneau August 6, with the mail for that month, being assured by the contractor that he would find supply stations every hundred miles all the way to Circle City. On his arrival at Lake Bennett, where he supposed he would find supplies and a boat, he learned that these had not been provided, and was forced to pay out all the money he had with him for passage to Dawson. He was practically penniless, and without food, suitable clothing, or blankets. His entire equipment, as he tersely puts it, consisted of Uncle Sam's mail bag, a gun, a fishing line, and his past experience. He reached Dawson August 20, where he concluded to remain a month in order to earn enough money to pay his way to Circle City, turning over the August mail to the carrier who had preceded him, and who had also been forced to stop in Dawson for

a month's employment before proceeding to this place. As stated, Mr. Demars reached Circle City October 12, and he is still here, absolutely powerless, through lack of equipment, to return to Juneau. No one blames him, but some severe criticisms of others more responsible for the present state of affairs are heard.

As a consequence of the absence of proper postal facilities, the people are forced to send their mail out by private parties, usually paying \$1 per letter, with no assurance that their letters will ever reach their destination. A very large proportion of the letters coming into the country are received through the same uncertain channels. The following notice, taken from the bulletin board in front of one of the commercial companies' stores at Circle City, gives a fair idea of the kind of mail service our citizens are forced to employ: "I will leave Circle City for Juneau in a few days. Any person having letters to send I will mail for \$1 per letter. In case I do not get beyond Dawson the mail will be turned over to reliable parties going out." As the man who signed this notice was an individual who formerly had a contract to carry the mail from Juneau to Circle City, and who, becoming disgusted with the job, dropped the mail bag on the trail, where it was picked up the following summer by his successor, it might be supposed, especially in view of his own uncertainty as to whether he would go through at all, that not many would have seen fit to avail themselves of his services, but so great was the desire to communicate with friends on the outside that a large number of persons committed letters to his doubtful care.

On account of the inadequacy and unreliability of the mail service each of the commercial companies is obliged every winter to send a man to the outside world, at an expense of \$1,500 or \$2,000, for Indians and dogs, for the purpose of carrying to the home office requisitions and information as to the necessities of the business.

American citizens in Dawson complain bitterly of a regulation which causes great delay in the receipt of letters addressed to them by their friends in the United States. All such letters are placed in the Circle City sack at Juneau, brought through Dawson to Circle City and then returned to Dawson for distribution. This arrangement, which certainly must be based on a misconception on the part of the postal authorities of the distance and the difficulties of communication between the two places, involves a useless transportation of Dawson mail for nearly 600 miles and a delay of from sixty to ninety days in its delivery.

This unsatisfactory condition relative to the mail has its pathetic side. There are hundreds of men here who have not heard from the outside for many months, in some cases even years, although they have every reason to believe they are not forgotten or neglected by the folks at home. One man, who was closely observed at the last distribution of mail, turned sadly away as the last name was called, and with

sobs in his voice said to an acquaintance standing by, "I have been here eighteen months and have not had a single word from home. The reason of the wear from constant handling, most of the letters sent in by private parties are stripped of their envelopes by the time they reach their destination. At Dawson, previous to the 1st of October there were three places in the town where mail was distributed, the stores of the two commercial companies and at Carey's saloon. At all of these places the boxes were filled with letters without envelopes, and therefore in many cases with nothing to identify the persons to whom they were written. One letter, which will serve as a specimen, was written in an Eastern city in June, 1894, opening with "My dear boy," and closing with, "Your anxious, but ever loving mother." An inquisitive reader, who wonders how even so much of the contents of a private letter could become known to a conscientious telegraph operator, should bear in mind that all such letters as that described were sent at least casually by hundreds of men in the hope of finding out how they know must have been written to them. On October 1st the police at Dawson took charge of the mail, and it is probable that the condition there has somewhat improved.

During the navigation season a letter, newspaper, and parcel service is performed by the steamers on the Yukon, which renders isolation somewhat, but for seven or eight months in the year the people of the Yukon Basin are practically shut off from communication with the outside world.

On Christmas Eve, two or three weeks after the above mentioned mail, a mail containing 960 letters arrived in Circle City. The steamer brought this mail in left Juneau October 5 and reached Dawson in the middle of November in an exhausted condition, which prevented his entering the hospital for treatment, the mail being taken by a freighter, who brought it to this place. There are many people who had instructed their correspondents to address them to Dawson, and but few of this class received any mail, as the authorities at Dawson failed to forward their letters.

A word in this connection to thoughtful friends in the States. Every letter received here from the outside contains one or two newspaper clippings, and with rare exceptions these clippings relate to Klondike, a subject with which it is fair to assume that the average man on the Yukon is infinitely more familiar than newspaper readers in Eastern cities, to say nothing of the fact that the current mail is from sixty to ninety days younger than that contained in the newspapers. It is respectfully suggested that it would be far more satisfactory to the people here if their friends would send them letters giving the details of recent events of general interest in the world.

APPENDIX—REPORT OF THE CHAMBER OF COMMERCE
OF JUNEAU, ALASKA.

The within sketch of the resources of Juneau has been compiled by the Chamber of Commerce of Alaska, and is respectfully sent to, and by the request of, the Department of Labor, Washington, D. C.

The Chamber of Commerce takes extreme pleasure in ever holding itself at the commands of the Department, and will willingly furnish any and all data and information respecting this coast of Alaska that it may have in its possession.

Respectfully submitted.

L. G. KAUFMAN,
Secretary Alaska Chamber of Commerce.

In the autumn of 1880 the site of this present thriving city was a wilderness, covered with a forest of standing timber and a dense, tangled undergrowth of alder, salmon-berry bushes, and thorny "devil club," a mass almost impenetrable even to the beasts which were its only inhabitants. It was then that Richard T. Harris and Joseph Juneau, prospecting along the shores of Gastineau Channel, discovered Gold Creek and, following up its rocky canyon, found rich placer and quartz. The news of the discovery brought others to the scene, and the first house was brought, ready framed, from Sitka, and put up December 4, 1881, by George E. Pilz, since deceased. The building of the town immediately followed the discovery of gold. The first name given to the place was Harrisburg, but shortly after it was changed to Rockwell, after one of the naval officers then stationed at Sitka. In the fall of 1881 the citizens, thinking that one of the discoverers in the camp, Joseph Juneau, had not received the full measure of honor due him, held a meeting and again changed the name of the town, from Rockwell to Juneau.

By the beginning of 1882 the population of Juneau had increased to about thirty persons, principally miners from Wrangell and Sitka. Some of those from Sitka were thirty days, or even more, making the voyage, owing to the rough weather which frequently prevails in that latitude during the winter months. One party lost its course, and having no chart went nearly around Admiralty Island, exploring almost every bay and inlet between Sitka and Juneau. Another party was blown ashore on an island in Stephens Passage, the canoe wrecked, and most of the effects washed away by the surf, and over a month was consumed in completing the trip. Other similar disasters were of frequent occurrence. One coming to Alaska now on the floating palaces which ply regularly between her ports and the centers of trade can scarcely realize the hardships, privations, and sufferings endured by the pioneers of the district. The sole capital of many of these men

consisted of a sack of flour, a side of bacon, a few pounds of beans, an ax, pick, shovel, and canoe. The hardships did not discourage these sturdy men, for they knew that gold, and plenty of it, lay in the basin above them, and they set to work cutting down the monarchs of the forest and building cabins for their shelter during the long months of the approaching winter.

Several cabins were constructed during that fall, a few of which are still to be found on the town site, but the greater number have been replaced by large, substantial buildings. These cabins, while small, are not in the least uncomfortable in which to spend the long winter months of Alaska, and many a pleasant evening was spent during that season by these few pioneers who unconsciously located what was soon to be the metropolis of the district, the picturesque, progressive, and important city of Juneau. Although the selection of the town site was made without reference to natural advantages except its proximity to the basin passes, it is yet true that had the sole object of these pioneers been the selection of a site for a purely commercial instead of a mining town, no more perfectly adapted place could be found, either as a distributing point for the surrounding mines and for the interior or for the transshipment of goods to other coasts or inland points. A sheltered harbor with good anchorage, ample facilities for wharf construction, central location, and many other natural advantages leave little to be wished for.

The first miners' meeting ever held in Alaska convened in the "Flag of All Nations" in February, 1881. At that meeting a code of mining laws was framed for the Harris mining district, which district includes all of southeastern Alaska except the districts of Sitka and Wrangell, and Richard T. Harris was elected the first recorder of the district. R. Dixon and Judge Henry States succeeded Harris. John G. Heid was the next recorder chosen by the people, and served a term as such for several years.

Juneau is the only city in Alaska which has been granted a United States patent for its town site. The town-site entry was made October 13, 1893, under the act of March 3, 1891. John Olds was the first trustee appointed, who was succeeded by Karl Koehler, and was in turn succeeded by the present incumbent, Thomas R. Lyon. A patent for the town site was issued September 4, 1897, and about the middle of October the first deeds for town lots in Juneau were issued. The patentable acreage in the town site of Juneau was 108.49.

By reason of her favorable situation, with respect to the immense adjacent quartz mines and as the supply and transfer point for the interior, Juneau has, in the short period since the first discovery of gold in Silver Bow Basin, gained a supremacy in population and a commercial importance far in excess of any other city north of Puget Sound. Juneau is the key city of the far northwest—a busy, business-like, cosmopolitan town of about 3,000 permanent residents. The population is *largely augmented* during the winter season by prospectors and miners

who are prevented by the severity of the climate from the pursuit of their summer callings and in summer by tourists who flock hither, attracted by the grandeur of its unsurpassed scenery. During the three years just passed Juneau has had a marked and steady growth, until now, instead of the miners' cabins and the makeshift trading stores there have appeared substantial residences and modern business blocks, of which larger and more southern cities might well be proud. The principal streets are laid with heavy plank pavement; all streets have sidewalks of ample width; a thoroughly modern electric plant furnishes the city with both incandescent and arc lamps; a water system, excelled by none on the Pacific coast, furnishes water for both domestic and fire purposes, and a citizen volunteer fire company, thoroughly equipped with carts, ladders, hose, fire extinguishers, and all the latest paraphernalia, keeps careful watch that the city is not devastated by fire.

In the fire department Juneau takes special pride. Hydrants are placed at frequent intervals throughout the town, the very reliable water supply being stored in reservoirs on the hillside at such elevation as to afford ample pressure at all points, thus obviating the necessity of fire engines. The fire apparatus is well housed in suitable buildings. Watchmen are kept constantly patrolling the city during the night, to give instant alarm at the breaking out of any conflagration. In addition to the great fire protection afforded by the water supply the waterworks provide power for more than a dozen large manufacturing establishments. A telephone system, liberally patronized, connects Juneau with the mines in the basin immediately back of the town, with Douglas City and the great Treadwell group of mines situated on Douglas Island immediately opposite Juneau, and also with the large mining settlement at Sheep Creek, about four miles from the city.

Juneau, through the Federal Government, offers every educational facility found in cities of corresponding size in more civilized centers. Besides the free schools, there are a number of educational institutions maintained by private enterprise; no less than five religious organizations hold services in their own church buildings; a large, conveniently situated, and well-appointed hospital is conducted by the Sisters of Charity; one free and two private circulating libraries furnish the latest reading matter to the residents of the town. The Alaska Chamber of Commerce, composed of the representative business and professional men of the city, diligently watches over the commercial and financial interests of the entire district.

Three principal and a dozen minor transportation companies run steamers regularly between Puget Sound and Pacific coast ports and this town, giving to Juneau an average of about five steamers each week. Three commodious wharves furnish ample dock facilities for these steamers. The largest wharf has a deep-water frontage of 700 feet, and its warehouse floors cover a space of more than 30,000 square

feet. The following report of the Pacific Coast Steamship Company shows the amount of merchandise discharged at these wharves by this company alone during the past season: Freight handled at Juneau City wharves from April 1, 1897, to April 1, 1898—Received, 16,751 tons; forwarded, 3,934 tons; total, 20,685 tons.

Exclusive of the various mining and milling companies having their principal place of business in Juneau, the business, professional, and industrial interests of this city may be summarized as follows, each establishment being enumerated once, only bona fide and distinct business establishments being enumerated:

Architects.....	2	Groceries (exclusive).....	2
Assayers.....	2	Guns and ammunition.....	4
Attorneys at law.....	18	Hardware stores.....	5
Bakeries.....	6	Harness makers.....	2
Banks, State.....	2	Hay and grain.....	2
Barber shops.....	6	Hospital.....	1
Blacksmiths.....	2	Hotels.....	6
Boarding houses.....	6	Insurance offices.....	2
Boat builder.....	1	Iron works and machine shop.....	1
Bonding company (goods in transit).....	1	Jewelers and watchmakers.....	3
Boot and shoe store (exclusive).....	1	Laundries.....	6
Breweries.....	2	Lodging houses.....	12
Butcher shops.....	4	Lumber yards.....	3
Cabinetmakers.....	2	Merchandise brokers.....	6
Carpenters and builders.....	10	Millinery stores.....	3
Carpet-cleaning works.....	2	Newspaper and printing offices.....	2
Churches.....	5	Painters and paper hangers.....	5
Cigar and tobacco stores (exclusive).....	4	Photographers.....	2
Cigar factory.....	1	Physicians and surgeons.....	6
Civil engineers.....	3	Pile driver and marine builder.....	1
Coal bunkers.....	2	Saloons.....	30
Confectioners.....	2	Shoemakers.....	5
Curio and variety stores.....	2	Stationery and book store.....	1
Dancing halls.....	3	Steamship offices.....	3
Dentists.....	3	Surveyors.....	4
Draying and freighting.....	4	Tailors.....	5
Dressmaking establishments.....	6	Taxidermist.....	1
Drug stores.....	4	Telephone company.....	1
Dry goods (exclusive).....	1	Theaters.....	3
Electric light and power company.....	1	Title abstract company.....	1
Fruit and produce.....	3	Undertaker.....	1
Furniture stores.....	3	Upholsterers.....	2
Furriers.....	3	Woodworker (other than carpenter).....	1
General merchandise and Yukon outfit-fitters.....	12		

Alaska has all the professional men, clerks, mechanics, and laborers she needs or can accommodate at the present time. Mining men with capital and prospectors who can bring a substantial stake and who can aid in the development of the country are about the only classes to whom the field is open, and to them Alaska offers splendid inducements. Wages here are not as high as the outside world seems to suppose, but all comers may be assured of adequate compensation *for their labors*. Skilled laborers are very well paid.

Juneau, from its geographical situation and from the number, experience, and capabilities of its merchants, is the logical outfitting and supply point for the mines of the coast and the interior. The prospector, bent on exploring the gold regions of the interior, first comes to Juneau, purchases his outfit and supplies, and then decides as to which route he shall take to the interior. Good-sized boats ply regularly between Juneau and Wrangell, Taku Inlet, Pyramid Harbor, and the head of navigation on Lynn Canal.

Juneau is the center of the Harris mining district. Tributary to Juneau is a vast mineral belt, upon which are mills containing, approximately, 1,500 stamps and furnishing employment to about 5,000 people. A short sketch of this mining district may be of interest to the Department.

Four miles from Juneau, at the head of Gold Creek, lies Silver Bow Basin, where Juneau and Harris made their first discovery of auriferous quartz. Here the development of properties has been steadily carried forward. All the claims are highly productive and their permanency assured. The first attempt at milling in this basin was made by the Johnson Mill and Mining Company, which built the first wagon road to the falls, where it erected a mill to work the ores from the mines now owned by the Ebner Gold Mining Company. In 1887 George E. Pilz erected a small Huntington mill on the property now being operated by the Alaska-Juneau Gold Mining Company. The veins of the Silver Bow Basin have a general trend from southeast to northwest, with a dip about three feet in ten, and are classed as contact-fissure veins, the reef having a black slate hanging wall and a greenish-colored gneiss foot wall. Between the walls of the contact a space of several hundred feet intervenes, which is filled in with schists, quartz veins, and vein matter. The filling is network from knife-blade seams to several feet in thickness, although the general trend of the main vein is in the direction of the strike on the reef. The character of the ore is a sulphurate of iron and galena, associated to a small degree with zinc blende, antimony, and copper pyrites, and carries both gold and silver, although generally richer in gold.

Leaving Silver Bow Basin and crossing a divide at an altitude of 3,500 feet into Sheep Creek Basin, this same vein increases greatly in silver, while the amount of gold carried is about the same. In the easternmost workings of the Silver Queen, at nearly the foot of the range, is found native and ruby silver and gray copper ores similar to the silver districts of Colorado and Nebraska; but, as stated before, it also runs well in gold, and all milling of these ores consists simply in reducing their bulk by concentration and without any free-gold saving appliances. The reef is located continuously from two to three claims in width for a distance of over six miles through Silver Bow Basin and over the range into Sheep Creek Basin to the Silver Queen, with almost continuous surface croppings the entire distance. Following still farther east along the belt, where the reef leaves the valley and climbs

the mountain side, the veins again crop to the surface, and locations are strung out from this point over another high range and through valleys and over ridges to Taku Inlet, a distance of fully eight miles. On this end are the Star of Bethlehem, Last Chance, Sheridan, and Little Queen locations, which show some very rich gray copper ores. There is no doubt of the development of this basin into one of the leading quartz camps of Alaska.

Shuck Bay has produced large amounts of placer gold in past years, though now its leads are attracting considerable attention. Of these the Red Wing group is most advanced in development, located in Shuck Basin and owned by the Windham Bay Gold Mining Company. This property was located several years ago by William Ebner, of Juneau, and others, and considerable development work has been done on the same. The ore is of a free-milling nature, carrying iron and zinc blende, galena, a trace of copper in combination with gold, and a small percentage of silver.

While the first auriferous quartz discovered in Alaska was found near Sitka, mining operations have never been vigorously prosecuted in Sitka district. During the past season considerable interest has been manifested and several very promising groups of claims have been bonded to Eastern capitalists, and the coming season will witness a great deal of development work.

The richness of the surface prospects in Sumdum district, fifty miles south of Juneau, has inspired the gold seeker with great hope for the future of the many located in the vicinity, and the promise has been fulfilled in every instance where development has been made. Most conspicuously is this true in the case of the Bald Eagle mine, which, a mere prospect four years ago, has become one of the richest and best paying properties on the Pacific coast. The ores carry very little free gold, the values lying entirely in sulphurates, these being principally pyrites, though both zinc and lead sulphurates are present in considerable quantities, the octagonal sulphurate predominating, this being the richest of all quartz, wherever found. A crusher at the mouth of the adit discharges its product into a flume, which conveys it to the mill, nearly a mile distant, at a nominal cost for hauling; and its richness may be estimated by the fact that the four stamps in four days less than six months produced concentrates valued at a round \$100,000, or nearly \$17,000 per month. The average value of all ores mined is \$30 per ton.

Admiralty Island, one of the largest of the Alexander Archipelago, lies south of Juneau. It is separated from the mainland coast by a narrow channel, and its mineral belt is in common with that of Douglas Island, lying north of it. A number of claims have been located upon its ledges, which vary in character from low to medium grade, and in size from mere stringers to immense deposits, approaching or even exceeding that of the great Treadwell. Funter Bay, on the west side of the island, is one of the most promising locations.

Upon Douglas Island there are now dropping 450 stamps in the mills

of the Treadwell and the Mexican companies, the first of which has made this island famous the world over. The reef upon which these mills are located extends two-thirds the length of the island, and upon it have been located numerous claims. The Treadwell has recently let a contract for the erection of 520 additional stamps, which, when in operation, will make this group of mines the largest that the mining world has ever seen.

Like the mother lode of California, the mother lode of Alaska, or the great mineral belt which extends along the coast of southeastern Alaska, just back from the water's edge, and which never fails to pay the careful prospector, has of course its spots of unusually rich value. At Berners Bay, forty miles north of Juneau, on Lynn Canal, there was discovered some years ago ore of splendid promise. The principal mines in this very rich district are those of the Berners Bay Mining and Milling Company, the Jualin Mining and Milling Company, and the Portland and Alaska Mining and Milling Company. The Aurora Borealis has recently erected a five-stamp mill on its property in this district, which will soon be ready for operation. The character of the Aurora is free milling, and is said to be one of the most extensive and richest paying veins in the district. The Mellin Mining and Manufacturing Company of Berners Bay will soon erect a twenty-stamp mill on its property.

Many valuable locations have been made in the Ketchikan district, though no mills have yet been erected. It is one of the most promising mining districts on the coast, and is expected to add considerably to Alaska's gold output.

On the banks of Prince William Sound immense deposits of copper have been found, which bid fair to rival the famed Anaconda mine.

The mining carried on in the Lituya section is confined to the beach or ruby sand deposits that lie along the shore line, some miles distant above the entrance to the bay. The first discovery of gold was made there a number of years ago, since which time washing has been carried on to a greater or less extent every season. The Lituya Bay gold commands the price of \$18 per ounce. It is fine and somewhat scaly, but, being untarnished by rust, amalgamates readily, and but a very small per cent is lost in the tailings. The gold deposited along the shores is brought there by glacial action from the range back.

In conclusion, we wish to say that but a fraction of one per cent of this rich coast has ever felt the tread of the prospector, and a valuable field for operations is open to all who may come. The great success of this section of the country has inspired the breasts of capitalists with unlimited confidence in this country, and good undeveloped prospects find a ready sale. The chief virtue of prospecting on the coast of southeastern Alaska is the ability to keep in constant communication with a distributing point for supplies and the general evenness of the climate, which is not nearly as severe as the great majority of mining settlements throughout the world.

RECENT REPORTS OF STATE BUREAUS OF LABOR STATISTICS.

IOWA.

Serenth Biennial Report of the Bureau of Labor Statistics for the State of Iowa, 1895-1896. W. E. O'Brien, Commissioner. 176 pp.

Since the publication of the sixth biennial report the Iowa legislature has passed a new law governing the bureau of labor statistics and granting certain additional powers to the commissioner. The most important provision of this law makes it compulsory upon manufacturers and others employing five or more wage earners to furnish certain specified wage and industrial statistics when required by the commissioner.

The present report deals with the following subjects: Letter of transmittal, introduction, recommendations, etc., 18 pages; industrial statistics, 40 pages; strikes, 1 page; railroad statistics, 9 pages; the Amana Society, 13 pages; manual training schools, 11 pages; cooperative rail-roading, 2 pages; the Temple amendment, 83 pages.

INDUSTRIAL STATISTICS.—Tables are given showing by counties and industries, for the years 1895 and 1896, the number of male and female employees, the number of apprentices, the total yearly wages paid, and the number of weeks in operation for 1,752 establishments, representing 152 industries. In 1895 these establishments employed 42,472 males, 7,436 females, and 730 apprentices, making a total of 50,638. In 1896 there were employed 40,854 males, 7,732 females, and 687 apprentices, or a total of 49,273. This shows a falling off in 1896 of 1,365 persons. In the number of females employed, however, there was an increase of 296 persons in 1896.

The total amount of wages paid in these 1,752 establishments also shows a decrease. In 1895 this item amounted to \$18,119,080, and in 1896 to \$17,369,622, or a decrease of \$749,458.

The establishments were, on an average, in operation on full time and with full force 42 weeks in 1895 and 40 weeks in 1896; on short or reduced time with reduced force 5 weeks in 1895 and 8 weeks in 1896. The average time during which business was entirely suspended was 5 weeks in 1895 and 4 weeks in 1896.

The industry paying the greatest amount in wages was that of coal mining, being \$3,592,029 in 1895 and \$3,257,215 in 1896. Next in importance, as regards this item of wages, was the sash and door manufacturing industry, the wage payments for this industry being \$1,299,627 in 1895 and \$1,217,485 in 1896. The other industries whose

wage payments aggregated over half a million dollars during the year 1896 were the newspaper, printing, and binding industries, \$988,823; wholesale groceries, \$747,884; pork packing, \$688,263; and retail dry goods, \$623,030.

STRIKES.—In 1895, 40 strikes were reported to the bureau, involving 2,484 persons, and resulting in a wage loss of \$118,715. In 1896 there were but 13 strikes, involving 889 persons, and resulting in a wage loss of \$74,025. All the strikes reported a reduction in wages as the cause of strike.

RAILROAD STATISTICS.—This consists of tables showing by groups of occupations, for the years 1895 and 1896, the number of officials and other employees in the service of the railroad companies doing business in the State, and their total yearly and average daily earnings.

During 1895, 24,107 persons were employed in the railroad industry, of whom 113 were general officers. In 1896 there were 28,165 persons so employed, of whom 132 were general officers. The following statement shows the distribution of expenditures for salaries and wages of the railroad companies during the years 1895 and 1896:

EXPENDITURES OF RAILROADS FOR SALARIES AND WAGES, 1895 AND 1896.

Expended under—	1895.	1896.
General administration.....	\$505,232.10	\$645,647.86
Maintenance of way and structures.....	3,216,026.98	3,825,892.40
Maintenance of equipment.....	2,361,961.80	3,207,647.97
Conducting transportation.....	7,580,419.86	8,221,334.75

THE AMANA SOCIETY.—Two articles descriptive of this socialistic community are reproduced from a monthly magazine.

MANUAL TRAINING SCHOOLS.—This chapter contains reports from the superintendents of the manual training schools at West Des Moines and Mason City. They give an outline of the courses of study and systems of instruction at each school.

COOPERATIVE RAILROADING.—This contains an account of the system adopted by the Illinois Central Railroad whereby employees can acquire shares of stock in the company by making installment payments.

MASSACHUSETTS.

Twenty-seventh Annual Report of the Massachusetts Bureau of Statistics of Labor. March, 1897. Horace G. Wadlin, Chief. xv, 353 pp.

The following subjects are treated in this report: Part I, Social and industrial changes in the county of Barnstable, 104 pages; Part II, Graded weekly wages, 202 pages; Part III, Labor chronology, 1896, 47 pages.

PART I, SOCIAL AND INDUSTRIAL CHANGES IN THE COUNTY OF BARNSTABLE.—This part of the report is the result of an inquiry made

by direction of the legislature, and has special reference to the immigration of Western Islanders into the county. The presentation consists of population and industrial statistics, and portrays by comparative figures the present conditions of the county and the changes that it has undergone, and indicates the means by which improvements can be made in its resources and in the welfare of its inhabitants.

PART II, GRADED WEEKLY WAGES.—This comprehensive presentation of wage statistics for the United States and foreign countries has already been reviewed in Bulletin No. 14. It is published in installments, the present report (the second installment) containing occupations having the initial letters D, E, F, and G.

PART III, LABOR CHRONOLOGY, 1896.—This chapter contains brief accounts of important events affecting labor that occurred during the year. These accounts are arranged in chronological order under each of the three heads—hours of labor, wages, and trade unions, respectively. The chapter also contains a reproduction of the labor laws passed in 1897. The following summary will give an idea of the labor movement during the year 1896:

“In the year 1896 the labor unions continued agitation for a shorter working day, increased wages, and the use of union-made goods designated by means of the label. Considerable effort was also made in the interest of organization, unions being formed in several trades hitherto unorganized. Owing to the general curtailment of production and the necessary idleness of several thousand employees, the labor unions were particularly beneficial by paying to members a fixed sum weekly, thus supplying a means of living in place of loss of employment. The labor laws enacted by the legislature during the past year were due chiefly to the labor unions. The settlement of labor difficulties by the principle of arbitration was adhered to more strictly than in previous years. The principal subjects receiving the indorsement of organized labor were the abolition of contract labor on public works, raising of the compulsory school age, further restriction of hours of labor for women and children, the extension of factory laws to mercantile establishments. New members reported admitted to various unions numbered 1,637, a slight increase over the preceding year. New organizations formed numbered 34, with 1,454 charter members. These figures are probably less than the actual number.”

ANNUAL REPORT ON THE COOPERATIVE SAVINGS AND LOAN ASSOCIATIONS OF NEW YORK.

Annual Report of the Superintendent of Banks Relative to Cooperative Savings and Loan Associations, for the year 1896. Transmitted to the Legislature of the State of New York, March 1, 1897. F. D. Kilburn, Superintendent of Banks. 799 pp.

This report consists of: A letter of transmittal, 24 pages; a list of cooperative savings and loan associations that have reported to the banking department, or have been organized or authorized under the banking law, from 1875 to 1897, including building-lot associations, 29 pages; a detailed statement of the condition of the cooperative savings and loan associations of the State of New York, January 1, 1897, as compiled from reports to the banking department, 584 pages; a comparative table of assets, liabilities, receipts, disbursements, etc., of cooperative savings and loan associations for the year 1896, 81 pages; a detailed statement of the condition of lot associations, 22 pages; a copy of the law governing the organization and supervision of cooperative savings and loan associations, 40 pages.

The tables following give the aggregate assets and liabilities, receipts and disbursements, etc., of 349 national and local associations in the State:

ASSETS AND LIABILITIES, RECEIPTS AND DISBURSEMENTS, OF 349 SAVINGS AND LOAN ASSOCIATIONS FOR THE YEAR 1896.

Items.	National.	Local.	Total.
ASSETS.			
Loans on bond and mortgage	\$13,858,121	\$31,750,240	\$45,608,361
Loans on shares	444,926	1,029,144	1,474,070
Loans on other securities	43,632	166,456	210,088
Stocks and bonds	12,000	3,430	15,430
Real estate	2,195,842	1,935,687	4,131,529
Cash on hand and in bank	603,043	1,109,627	1,632,670
Furniture and fixtures	42,650	41,215	83,865
Installments due and unpaid	275,096	76,811	351,907
Interest, premium, fees, and fines due and unpaid	252,067	135,973	388,040
Other assets	249,924	144,334	394,258
Total	18,037,301	36,452,917	54,490,218
LIABILITIES.			
Due shareholders, dues and profits	14,800,206	32,947,037	47,747,243
Due shareholders, matured shares	600	659,420	660,020
Balance to be paid out on loans made	1,158,245	319,338	1,477,583
Borrowed money	184,277	444,534	628,811
Earnings undivided	1,573,715	2,038,339	3,612,054
Other liabilities	320,258	44,219	364,507
Total	18,037,301	36,452,917	54,490,218

ASSETS AND LIABILITIES, RECEIPTS AND DISBURSEMENTS, OF 349 SAVINGS AND LOAN ASSOCIATIONS FOR THE YEAR 1896—Concluded.

Items.	National.	Local.	Total.
RECEIPTS.			
Cash on hand January 1, 1896.....	\$504,312	\$1,472,989	\$2,037,501
Subscriptions on shares.....	5,343,764	8,083,535	13,437,299
Money borrowed.....	195,597	1,110,139	1,305,736
Mortgages redeemed.....	2,616,412	4,618,837	7,235,249
Other loans redeemed.....	292,524	567,171	859,695
Real estate sold.....	328,540	226,765	555,305
Fees received.....	141,214	30,910	172,124
Premium received.....	414,821	443,563	858,384
Interest received.....	681,189	1,635,431	2,296,620
Fines received.....	42,070	43,652	85,722
Rent received.....	57,323	68,091	125,414
Other receipts.....	494,493	233,888	727,881
Total.....	11,152,280	18,534,381	29,686,650
DISBURSEMENTS.			
Loaned on mortgage.....	4,141,125	6,888,827	11,029,952
Loaned on other securities.....	389,710	864,674	1,254,384
Paid on withdrawals, dues, and profits.....	3,302,008	7,047,863	10,349,871
Paid matured shares.....	374,862	634,227	1,009,089
Paid borrowed money.....	171,285	921,124	1,092,409
Paid interest.....	87,845	44,808	132,653
Paid for real estate.....	601,521	332,904	934,425
Paid salaries, clerk hire, and commissions.....	509,089	184,342	693,431
Paid advertising, printing, and postage.....	47,066	23,345	70,411
Paid rent.....	42,342	32,627	74,969
Paid repairs to real estate.....	37,090	42,093	79,183
Paid taxes, insurance, etc.....	67,065	81,163	148,228
Other disbursements.....	628,218	265,817	894,035
Cash on hand December 31, 1896.....	663,043	1,169,627	1,832,670
Total.....	11,152,280	18,534,381	29,686,650

MISCELLANEOUS STATISTICS OF 349 SAVINGS AND LOAN ASSOCIATIONS FOR THE YEAR 1896.

Items.	National.	Local.	Total.
Associations.....	36	313	349
Shares in force January 1, 1896.....	674,317	727,911	1,402,228
Shares issued during the year.....	262,661	198,095	460,756
Shares withdrawn during the year.....	214,925	190,147	405,072
Shares in force December 31, 1896.....	722,053	727,459	1,449,512
Borrowing members.....	11,856	20,358	32,214
Shares held by borrowing members.....	154,886	212,752	367,638
Nonborrowing members.....	62,758	74,066	136,824
Shares held by nonborrowing members.....	567,167	514,707	1,081,874
Female shareholders.....	29,380	29,319	58,699
Shares held by females.....	73,186	201,672	274,858
Amount of mortgages on property in the State.....	\$7,375,139	\$29,169,790	\$36,544,929
Expenses for the year.....	\$704,555	\$291,780	\$996,335
Foreclosures in 1896.....	439	264	703

a Not including 17 associations not reporting.

ANNUAL REPORT ON THE BUILDING AND LOAN ASSOCIATIONS OF OHIO.

Sixth Annual Report of the Bureau of Building and Loan Associations of Ohio, for the year ending December 31, 1896. W. S. Mathews,
Ex-officio Inspector of Building and Loan Associations. 516 pp.

This report contains returns of business operations and other data received from all building and loan associations in the State for the year ending December 31, 1896. Twenty-four pages are devoted to an introduction and summary, and 481 pages consist of statistical tables showing in detail for each association comparative data for 1895 and 1896, assets, liabilities, receipts, disbursements, statements of earnings, distribution of earnings, record of shares, miscellaneous statistics, date of organization and capital stock, and the names of officers and depositories.

The statement following shows the totals for all associations in the State as presented in the summary. Of the 755 associations in the State 8 were national.

ASSOCIATIONS.

Permanent.....	708
Serial.....	19
Terminating.....	21
Serial and terminating.....	4
Total.....	755

MEMBERSHIP.

Borrowing members.....	81, 288
Nonborrowing members.....	216, 372
Total.....	297, 660

SHARES.

Shares of running stock in force.....	1, 215, 895
Shares of paid-up stock in force.....	173, 161
Total shares in force.....	1, 389, 059
Shares upon which loans have been made.....	410, 176

CAPITAL STOCK.

Authorized capital stock.....	\$793, 000, 000. 00
Subscribed capital stock.....	300, 435, 571. 00
Capital stock paid in.....	80, 175, 163. 71
	431

ASSETS.

Cash on hand	\$4, 168, 583. 16
Loans on mortgage security	83, 204, 305. 27
Loans on stock or pass-book security	5, 039, 214. 38
Real estate	2, 476, 317. 49
Other.....	2, 018, 103. 76
Total	96, 906, 524. 06

LIABILITIES.

Running stock and dividends	57, 209, 528. 35
Paid-up stock and dividends	22, 965, 635. 36
Deposits and interest	12, 517, 570. 43
Fund for contingent losses	2, 873, 399. 86
Borrowed money.....	949, 705. 64
Other.....	300, 684. 42
Total	96, 906, 524. 06

RECEIPTS.

Cash on hand January 1, 1896	4, 691, 148. 09
Dues on running stock	21, 225, 119. 90
Paid-up stock.....	5, 440, 573. 08
Deposits	12, 575, 278. 49
Mortgage loans repaid	15, 508, 865. 84
Interest	4, 984, 179. 32
Premiums	1, 022, 712. 83
Fines	76, 930. 66
Pass books and initiation	68, 004. 89
Borrowed money.....	3, 491, 054. 34
Real estate.....	418, 375. 41
Other.....	1, 187, 210. 20
Total	70, 689, 453. 06

DISBURSEMENTS.

Loans on mortgage security	21, 055, 468. 10
Loans on stock or pass-book security.....	2, 706, 534. 42
Withdrawals of running stock	17, 648, 614. 04
Withdrawals of paid-up stock	3, 546, 910. 63
Withdrawals of deposits.....	11, 913, 048. 01
Dividends	2, 860, 364. 67
Borrowed money.....	3, 499, 281. 72
Interest	554, 314. 84
Other.....	2, 737, 645. 84
Cash on hand	4, 167, 270. 78
Total	70, 689, 453. 05

EARNINGS.

Interest	5, 021, 448. 91
Premiums	1, 025, 349. 68
Fines	78, 671. 77
Transfer fees	6, 494. 84
Pass books and initiation	61, 341. 29
Rents.....	73, 755. 43
Other.....	317, 201. 96
Total	6, 584, 263. 88

DISTRIBUTION OF EARNINGS.

Dividends on running stock.....	\$3,021,684.76
Dividends on paid-up stock.....	1,459,318.80
To fund for contingent losses.....	410,281.14
Interest on deposits.....	549,745.85
Interest on borrowed money.....	76,810.95
Salaries.....	428,854.41
Losses.....	115,973.47
Miscellaneous.....	521,594.50
Total.....	6,584,263.88

These figures show an increase over the year 1895 of 5.31 per cent in the amount of capital stock paid in. There was likewise an increase of 6.37 per cent in the number of members, of 5.20 per cent in the amount of assets and liabilities, of 0.83 per cent in the amount of receipts and disbursements, and of 5.50 per cent in the total earnings.

ELEVENTH ANNUAL REPORT OF THE STATE BOARD OF ARBITRATION AND CONCILIATION OF MASSACHUSETTS.

Eleventh Annual Report of the State Board of Arbitration and Conciliation of Massachusetts, for the year ending December 31, 1896. Charles H. Walcott, Chairman. 204 pp.

The report proper consists of an introduction and detailed accounts of thirty cases dealt with by the board. An appendix contains a digest of laws relating to State and local boards and other tribunals of conciliation and arbitration in the United States.

During the year the board took cognizance of controversies involving persons whose yearly earnings were estimated at \$1,216,300. The work of the board has been about the average amount and of the same general nature as in former years, except that arbitration cases, as distinguished from cases of conciliation, have been only more numerous than heretofore. The expense of main arbitration and conciliation for the year has been

Of the 246 st.
city of New York,
lyn 9, Albany 7, Roche.
cities and towns througho.
431
had a
total of 6,974
membership of trade
1892 to 1896.

TENTH ANNUAL REPORT OF THE BOARD OF MEDIATION AND ARBITRATION OF NEW YORK.

Tenth Annual Report of the Board of Mediation and Arbitration of the State of New York. Transmitted to the Legislature January 28, 1897. Charles L. Phipps, William Purcell, and W. H. H. Webster, Commissioners. 589 pp.

This report, like those for preceding years, contains accounts of individual labor disputes, arranged alphabetically according to industries, and verbatim reports of proceedings of the board where sessions were held for the purpose of taking testimony. An appendix contains a reproduction of arbitration laws in the various States.

During the year ending October 31, 1896, 246 labor disputes were reported. This was nearly 40 per cent less than in 1895, and far below the average number in previous years. This decrease is attributed mainly "to the continuance of the business depression and consequent increase in the percentage of unemployed," and to some extent "to conservative action on the part of workingmen, who have learned from experience that the strike is a weapon to be used only as a last resort."

Eighteen principal cases are cited where the board exercised its power of mediation. The 246 strikes and lockouts in the State were distributed among the following occupations:

STRIKES AND LOCKOUTS IN NEW YORK, BY OCCUPATIONS, 1896.

Ocupations.	Strikes or lockouts.	Ocupations.	Strikes or lockouts.	Ocupations.	Strikes or lockouts.
Actors	1	Fireworks makers	1	Printing trades	19
Axle makers	1	Fur workers	1	Railroad employees	
Bakers	1	Furniture workers	2	(steam)	1
Boiler makers and		Gas-company em-		Railroad employees	
ship builders	3	ployees	1	(street)	2
Brass workers	1	Glass workers	1	Shirt cutters	1
Brewers	2	Grain scoopers	1	Shirt makers	3
Bridge builders	1	Hat makers	1	Shoemakers	5
Building trades	91	Horseshoers	1	Stonecutters	1
Butchers	2	Ice handlers	2	Stove mounters	1
Carpet workers	1	Iron workers	2	Tailors	12
Cigar makers	16	Laborers	5	Textile workers	3
Cigarette makers	1	Laundry workers	4	Truckmen	1
Cloak makers	9	Machinists	4	Upholsterers	4
Coopers	3	Mattress makers	1	Waist and wrapper	
Deck hands	1	Messengers	2	makers	1
Diamond workers	1	Metal workers	2	Waiters	7
Drivers	4	Overgutter makers	2		
Drop forgers	1	Pavers	7	Total	246
Electric-wire men	1	Picture-frame makers	1		
Express-company em-	3				
ployees					

Of the 246 strikes and lockouts, 153, or 62 per cent, occurred in the city of New York, Brooklyn had 26, Buffalo 21, New York and Brooklyn 9, Albany 7, Rochester 5, and the remaining 25 occurred in 20 other cities and towns throughout the State.

RECENT FOREIGN STATISTICAL PUBLICATIONS.

GREAT BRITAIN.

Ninth Report on Trade Unions in Great Britain and Ireland, 1896. lviii, 274 pp. (Published by the Labor Department of the British Board of Trade.)

The information contained in this report on trade unions is presented under the following heads: Introduction and analysis and summary of tables; a detailed table showing, for each of 1,330 trade unions making returns, the date of formation of the union, the number of branches at the end of 1896, the membership for each of the five years 1892 to 1896, and the address of the chief office; a table showing details of funds, contributions, and expenditures for each of 100 selected trade unions in 1896; a comparative table showing the income and expenditure of the 100 unions for the five years 1892 to 1896 and another showing for the seven years 1890 to 1896 the amount of funds, contributions, and expenditures per member for the same 100 unions; also tables dealing with federations and trade councils, and mortality among trade unionists.

The number of trade unions making returns for 1896 was 1,330, with 12,807 branches and 1,487,562 members. Of the 1,330 unions, 581, with a total membership of 1,094,345, were registered under the trade union act. The remaining 749, with a total membership of 393,217, were unregistered. The bulk of the trade-union membership was furnished by a small number of large unions. Thus, there were 30 unions which had a membership of over 10,000 each and an aggregate membership of 718,050, while there were 489 unions of less than 100 members each, or an aggregate of but 24,728 members. About 83 per cent of the unions had a membership of less than 1,000, while their aggregate number of members was only 14 per cent of the total membership of all the trade unions.

A new feature of the present report is the separate statement of the number of women belonging to trade unions in each group of industries. Of the total trade unions reporting, 127 had female members with an aggregate female membership of 108,578. Of these unions, 107 had a mixed membership, and the remaining 20 unions, with a total of 6,974 persons, consisted entirely of women.

The table following shows the number and membership of trade unions, by groups of industries, for the five years 1892 to 1896.

NUMBER AND MEMBERSHIP OF TRADE UNIONS, BY GROUPS OF INDUSTRIES,
1892 TO 1896.

[For this report special inquiries were made with regard to the membership of trade unions for the five years 1892 to 1896. The result, while completely revising the figures published in previous reports, affords a much more complete and accurate comparison of trade-union membership for a period of years than has hitherto been available.]

Group of industries.	Unions making returns.					Membership of such unions.				
	1892.	1893.	1894.	1895.	1896.	1892.	1893.	1894.	1895.	1896.
Building.....	147	156	171	178	187	160,594	175,715	181,077	182,439	196,283
Mining and quarrying.....	84	89	89	90	86	323,297	327,432	314,412	285,022	284,806
Metal, engineering, and shipbuilding (a).....	267	269	271	272	281	264,596	255,905	260,128	264,901	301,536
Textile.....	212	216	226	235	233	200,085	201,160	208,237	211,094	212,491
Clothing.....	39	42	42	47	51	62,086	79,672	80,805	77,667	76,800
Transportation (land and sea).....	54	55	59	60	59	150,996	139,351	122,161	119,108	133,774
Agricultural labor and fisheries.....	9	11	11	9	7	36,279	32,287	7,970	3,535	3,546
Printing, etc., trades.....	49	54	55	54	55	44,830	46,258	47,745	49,014	50,913
Woodworking and furnishing.....	99	102	105	109	112	30,516	30,379	30,293	31,097	36,141
Miscellaneous.....	224	245	256	262	259	168,521	165,533	171,113	172,420	161,302
Total.....	1,184	1,239	1,285	1,316	1,330	1,461,800	1,453,692	1,424,941	1,397,887	1,487,562

a By the term "engineering" is meant such occupations as machinists, machine builders, turners, pattern makers, etc.

It will be observed from the above table that there was a steady increase in the number of trade unions from 1,184 in 1892 to 1,330 in 1896. The trade-union membership shows a decrease from year to year until 1895, when the lowest figure, 1,397,887, was reached. In 1896 the number of members had increased to 1,487,562, the highest trade-union membership during the period.

The greatest proportional increase of membership during the five-year period occurred in the building trades, while the greatest decrease is noted in the group of agricultural labor and fisheries. Of the nine specified groups of industries given above, five show an increase and four a decrease of membership. The greatest membership in 1896, 301,506 persons, was reported by the group of metal, engineering, and shipbuilding. Next in order were the groups of mining and quarrying with 284,806, and of textiles with 212,491 members. The smallest membership was reported for the group of agricultural labor and fisheries.

The financial details of the trade unions are given for only 100 of the leading societies. These, however, in 1896, represented 65 per cent of the total trade-union membership reported.

The following comparative statement shows the financial operations of the 100 principal trade-unions for the five years 1892 to 1896:

FINANCIAL OPERATIONS OF 100 PRINCIPAL TRADE UNIONS, 1892 TO 1896.

Year.	Members- hip at end of each year.	Income.	Expendi- ture.	Funds on hand at end of year.
1892.....	913,759	\$7,097,377	\$6,914,153	\$7,764,170
1893.....	917,496	7,916,253	9,043,417	6,637,006
1894.....	931,440	8,029,034	7,041,470	7,624,569
1895.....	921,686	7,659,496	6,852,494	8,431,671
1896.....	960,933	8,154,526	6,030,718	10,555,285

While the income of the trade unions was fairly stable during the five years, there was a considerable fluctuation of the annual expenditure. In all the years, except 1893, the total expenditure was less than the total income, so that the accumulated funds have correspondingly increased. The annual expenditure was greatest, £1,858,300 (\$9,043,417), in 1893 and least, £1,239,230 (\$6,030,713), in 1896.

The chief general features to be noted in a detailed comparison of expenditure over a period of years are the steady and continuous growth of expenditure on superannuation; the comparatively uniform cost per head for sickness, accident, and funeral benefits; and the marked variations in the expenditure on disputes. These points are brought out in the following comparative table:

EXPENDITURES OF 100 PRINCIPAL TRADE UNIONS ON VARIOUS BENEFITS, ETC.,
1892 TO 1896.

[The expenditure per member is calculated throughout on the basis of the total membership of the 100 principal trade unions and not on the membership of the unions paying the particular classes of benefits.]

Object.	1892.		1893.		1894.		1895.		1896.	
	Amount.	Per member.	Amount.	Per member.	Amount.	Per member.	Amount.	Per member.	Amount.	Per member.
Unemployed benefit.....	\$1,702,501	\$1. 87	\$2,234,984	\$2. 44	\$2,254,099	\$2. 42	\$2,132,573	\$2. 32	\$1,388,301	\$1. 43
Dispute benefit.....	1,739,224	1. 90	2,894,477	3. 15	772,367	. 83	926,645	1. 00	754,930	. 78
Sick and accident benefit.....	1,013,356	1. 11	1,169,824	1. 28	1,118,239	1. 20	1,284,003	1. 39	1,198,804	1. 24
Superannuation benefit.....	496,777	. 54	546,274	. 59	593,956	. 64	639,998	. 70	630,063	. 72
Funeral benefit.....	336,266	. 37	369,100	. 40	339,906	. 36	370,852	. 40	366,910	. 38
Other benefits and grants.....	403,696	. 44	600,906	. 65	596,482	. 64	242,425	. 26	314,770	. 32
Working and other expenses.....	1,222,333	1. 34	1,227,852	1. 34	1,366,421	1. 47	1,235,695	1. 36	1,316,038	1. 36
Total ..	6,914,153	7. 57	9,043,417	9. 85	7,041,470	7. 56	6,852,494	7. 43	6,030,713	6. 23

The expenditure for unemployed and dispute benefits reached its highest point, £1,054,035 (\$5,129,461), in 1893, since which time this kind of expenditure has almost steadily decreased. Comparing 1896 with the preceding year, it is found that there was a decrease of nearly 35 per cent in the expenditure for the unemployed, and of 18.5 per cent for dispute benefits. The other expenditures varied but slightly during the five years. In general, there was a decreasing tendency in expenditures for unemployed and dispute benefits, and an increasing tendency in expenditures for other friendly benefits. In 1896, for the first time during the period, the expenditures for sick and accident, superannuation, and funeral benefits exceeded those for disputes and for the unemployed.

In 1896 each group of industries showed a decrease in expenditure for unemployed benefits as compared with the preceding year.

Other forms of labor organization enumerated in this report are the federations and trade councils. A "federation" is defined as "an association of separate trade societies or branches of societies connected with kindred trades for certain limited and specific purposes, with limited and defined powers over its constituent societies." The trade councils are "purely local consultative bodies, to which their constituent societies send representatives for the purpose of discussion and advice."

The following summary shows the distribution of federations according to groups of industries and the trade councils for the years 1894, 1895, and 1896:

FEDERATIONS OF TRADE UNIONS AND TRADE COUNCILS, 1894 TO 1896.

Group of industries.	1894.		1895.		1896.	
	Number.	Member-ship.	Number.	Member-ship.	Number.	Member-ship.
Federations of trade unions:						
Building trades.....	35	98,537	41	98,088	43	95,191
Mining and quarrying.....	18	492,558	18	429,019	17	417,658
Metal engineering, and ship- building.....	17	158,011	16	197,605	19	215,046
Textile trades.....	19	315,669	19	313,188	20	324,700
Other trades.....	21	61,189	23	79,062	31	88,663
Total.....	110	1,158,764	119	1,116,962	130	1,141,318
Trade councils.....	133	672,980	137	681,774	134	652,327

The aggregate membership given in the table does not represent an equal number of separate individuals, since in some cases the same union belongs to more than one federation, and it often happens that local branches of unions are affiliated to local federations for certain purposes, while for other purposes the entire union belongs to some general federation. This duplication occurs mainly in the mining and building trades.

The number of federations reported increased from 119 in 1895 to 130 in 1896, and the membership of affiliated unions and branches from 1,116,962 to 1,141,318.

ITALY.

Statistica degli Scioperi avvenuti nell'Industria e nell'Agricoltura durante l'anno 1896. Ministero di Agricoltura, Industria e Commercio, Direzione Generale della Statistica. 1898. 88 pp.

This report on strikes and lockouts in Italy during the year 1896 is published by the bureau of statistics of the Italian department of agriculture, industry, and commerce. The statistics cover disputes in the various branches of industry and among agricultural laborers.

During the year 1896 the bureau received notice of 210 strikes, in which 96,051 persons took part, or an average of 457 per strike. These figures are greater than those for any year since the beginning of the period (1879) during which strike data have been published. The

following table shows the number of strikes and strikers and the average number of strikers per strike during each year from 1879 to 1896:

STRIKES, STRIKERS, AND AVERAGE NUMBER OF STRIKERS PER STRIKE, 1879 TO 1896.

Year.	Strikes.		Strikers.		Year.	Strikes.		Strikers.	
	Total.	For which number of strikers was reported.	Total.	Average per strike.		Total.	For which number of strikers was reported.	Total.	Average per strike.
1879	32	28	4,011	143	1888	101	99	28,074	293
1880	27	26	5,900	217	1889	126	125	23,322	187
1881	44	39	8,272	212	1890	139	133	38,462	289
1882	47	45	5,854	130	1891	132	128	34,733	271
1883	73	67	12,900	193	1892	119	117	30,800	263
1884	81	81	23,967	296	1893	131	127	32,109	253
1885	89	86	34,166	387	1894	109	104	27,595	265
1886	96	96	16,951	177	1895	126	126	19,307	153
1887	69	66	25,027	368	1896	210	210	96,051	457

The number of strikes increased from 32 in 1879 to 139 in 1890. From that time until 1895 it remained nearly stationary, when in 1896 it increased to 210. The greatest number of strikes in 1896 occurred during the months of June, August, and October, while the smallest number took place during the winter months.

The causes of strikes during 1896 and the results are shown below:

CAUSES OF STRIKES, 1896.

Cause or object.	Strikes.		Strikers.	
	Number.	Per cent.	Number.	Per cent.
For increase of wages	111	52.9	78,722	82.0
For reduction of hours	6	2.9	980	1.0
Against reduction of wages	26	12.4	5,723	5.9
Against increase of hours	2	0.9	267	0.3
Other causes	65	30.9	10,359	10.8
Total	210	100.0	96,051	100.0

RESULTS OF STRIKES, 1896.

Cause or object.	Succeeded.				Succeeded partly.				Failed.			
	Strikes.		Strikers.		Strikes.		Strikers.		Strikes.		Strikers.	
	Num-ber.	Per-cent.	Num-ber.	Per-cent.	Num-ber.	Per-cent.	Num-ber.	Per-cent.	Num-ber.	Per-cent.	Num-ber.	Per-cent.
For increase of wages	48	43	62,799	89	28	25	10,424	13	35	32	5,490	7
For reduction of hours	4	67	660	67					2	33	320	33
Against reduction of wages	9	35	1,248	22	8	30	3,281	57	9	35	1,194	21
Against increase of hours	1	50	250	94	1	50	17	6				
Other causes	17	26	2,790	27	14	22	3,381	33	34	52	4,188	40
All causes	79	38	67,747	70	51	24	17,103	18	80	38	11,201	12

Nearly 53 per cent of the disturbances during the year 1896 were due to demands for increased wages, while 12.4 per cent were on account of

reduction of wages, making a total of 65 per cent of the strikes which resulted from wage disputes. Nearly 4 per cent of the strikes related to hours of labor

Of the strikes, 38 per cent were successful and 24 per cent were partly successful, while 38 per cent were failures. If the number of strikers is considered, the results were still more favorable. Seventy per cent of the strikers succeeded, 18 per cent succeeded partly, and but 12 per cent failed. The most successful strikes were those relating to hours of labor.

A comparison of the proportionate results of strikes during a period of years is shown in the following table:

RESULTS OF STRIKES, 1878-1891 TO 1896.

Year.	Per cent of strikes.			Per cent of strikers.		
	Success-ful.	Partly success-ful.	Failed.	Success-ful.	Partly success-ful.	Failed.
1878-91.....	16	43	41	25	47	28
1892.....	21	29	50	29	19	52
1893.....	28	38	34	29	44	27
1894.....	34	28	38	19	34	57
1895.....	33	31	36	33	40	27
1896.....	38	24	38	70	18	12

It appears from the above table that during the period the proportion of successful strikes has increased almost steadily from year to year. With regard to the number of strikers, there is a fluctuation in the percentages of success and failure from year to year, but a comparison of results for the last three years shows a decided increase in the proportion of successful strikers.

In the next table the number of strikes, strikers, and working days lost during 1896 is shown by occupations:

STRIKES, STRIKERS, AND WORKING DAYS LOST, BY OCCUPATIONS, 1896.

Occupations.	Strikes.	Strikers.				Working days lost.
		Adults.		Children 15 years of age or under.	Total.	
		Males.	Females.			
Weavers, spinners, and carders.....	50	1,981	6,200	1,525	9,706	65,804
Miners and ore diggers.....	61	22,021		8,986	31,007	362,801
Mechanics.....	8	2,149		11	2,160	4,583
Founders.....	13	609	10	28	656	21,530
Day laborers.....	9	2,500		45	2,635	15,162
Masons, stone cutters, and pavers.....	5	370		10	380	3,610
Kiln and furnace tenders.....	4	141		2	143	671
Printers and compositors.....	5	226		52	278	438
Straw plaiters and hatters.....	6	3,521	27,028	11,011	41,560	627,967
Tanners.....	9	817	37	28	882	12,834
Dyers.....	2	185	28	60	273	4,425
Bakers and pastry cooks.....	4	1,563			1,563	4,589
Joiners.....	3	122			122	332
Omnibus drivers and conductors.....	5	908			908	908
Porters and coal carriers.....	3	293			293	293
Shoemakers, tailors, seamstresses, etc.....	9	1,830	335	38	2,203	18,163
Other occupations.....	14	629	617	36	1,282	10,364
Total.....	210	39,955	34,204	21,832	96,031	1,152,503

In 1896, as in the preceding year, the greatest number of strikes occurred in the mining and quarrying and the textile industries. The unusual number of strikers reported in 1896 is due largely to a single strike which occurred among the straw plaiters in the vicinity of Florence, and in which 40,950 persons took part. This industry, therefore, reports the greatest number of strikers during the year. Next in importance as to number of strikers were the miners and ore diggers, 31,007, and the weavers, spinners, and carders, with 9,706 strikers.

Of the 96,051 persons who participated in strikes during the year, 39,955 were men, 34,264 were women, and 21,832 were children. The large number of women and children is due to the above-mentioned strike of straw plaiters, in which 26,950 women and 11,000 children took part.

There was but one strike reported in the agricultural industry during 1896. This was among about 100 peasants employed in the vineyards near Rome. They struck for higher wages and were partly successful.

Two lockouts were reported during the year, in both of which the employers were successful. In four other cases establishments were closed on account of disputes between employers and the public authorities.

DECISIONS OF COURTS AFFECTING LABOR.

[This subject, begun in Bulletin No. 2, has been continued in successive issues. All material parts of the decisions are reproduced in the words of the courts, indicated when short by quotation marks and when long by being printed solid. In order to save space, immaterial matter, needed simply by way of explanation, is given in the words of the editorial reviser.]

DECISIONS UNDER STATUTORY LAW.

CRIMINAL CONSPIRACY—TRADE UNIONS—*People v. Davis et al., Chicago Legal News, Vol. XXX, No. 26, page 212.*—The defendants were indicted for criminal conspiracy under section 46 of chapter 38 of the Revised Statutes of Illinois of 1891, and the case was heard in the criminal court of Cook County, Ill., upon a motion to quash the indictment. Section 46 of chapter 38 of the Revised Statutes reads, in so far as it is applicable to this case, as follows:

If any two or more persons conspire or agree together with the fraudulent or malicious intent wrongfully and wickedly to injure the person, character, business or employment or property of another * * * they shall be deemed guilty of a conspiracy, and every such offender, whether as individuals, or as officers of any society or organization, and every person convicted of conspiracy at common law shall be imprisoned in the penitentiary not exceeding five years, or fined not exceeding two thousand dollars, or both.

Section 158 of chapter 38 of the Revised Statutes of 1891, the effect of which was considered by the court in its decision, reads as follows:

If any two or more persons shall combine for the purpose of (depriving the owner or possessor of property of its lawful use and management, or of preventing, by threats, suggestions of danger, or any unlawful means, any person from being employed by or obtaining employment from any such owner or possessor of property, on such terms as the parties concerned may agree upon, such persons so offending shall be fined not exceeding \$500, or confined in the county jail not exceeding six months.

The decision of the court was rendered February 11, 1898, and the motion to quash the indictment was allowed. The opinion was delivered by Judge Baker, and the following, sufficiently showing the facts in the case, is quoted therefrom:

This is a motion to quash an indictment against four defendants, which is found under and intended to charge a violation of section 46 of the Criminal Code [sec. 46 of chap. 38 of the R. S. of Ill. of 1891].

The first count of the indictment charges that the defendants were members of a certain union, viz, the Hoisting Engineers' Association; that Charles and Dennis were in the employ of the Thomas Elevator Company; that the defendants did, unlawfully, etc., conspire and agree together with the fraudulent and malicious intent to wrongfully and wickedly injure the business of Charles and Dennis by unlawfully, etc.,

demanding of said elevator company the discharge of Charles and Dennis for the reason to be represented to said elevator company by the defendants; that Charles and Dennis were not members of said association, and then to "call off" certain engineers in the employ of said elevator company who were members of said association, if said demand was not complied with "for the purpose then and there of stopping the work of said Thomas Elevator Company, and thus throw said Charles and Dennis out of their employments." It then avers the execution of said agreement, demand, refusal, "calling off" of the union engineers by defendants, and avers that thereby the work of said elevator company was stopped, and by reason thereof, said Charles and Dennis discharged from their employment.

The second and third counts are identical with the first, save that the intent alleged in the second is to injure the "employment," in the third the "business and employment" of Charles and Dennis.

It is not alleged that any contract of employment for any period existed either between the elevator company and the union engineers, or between that company and Charles and Dennis.

To constitute an offense under the provisions of section 46, above quoted, there must be the agreement, with the fraudulent or malicious intent, "wrongfully and wickedly" to injure the business or employment, etc., of another. The agreement with the fraudulent or malicious intent to injure is not enough. The agreement must include the purpose to carry into execution the fraudulent and malicious intent to injure "wrongfully and wickedly," that is, by the use of wrongful and wicked means.) It may be that an indictment in the words of the statute charging that the defendants did conspire and agree together with the fraudulent and malicious intent wrongfully and wickedly to injure Charles and Dennis in their employment would be sufficient, but in this indictment there is a precise statement of the means agreed upon by the defendants to be used to carry into effect their alleged malicious intent to injure Charles and Dennis in their employment; and hence, if the means so alleged to have been agreed upon are in law wrongful and wicked, the indictment well and sufficiently charges a conspiracy under the statute. And, on the other hand, if the measures so set out in the indictment are not wrongful and wicked, the indictment can not be held well and sufficiently to charge a conspiracy under the statute, for, if the means which the indictment alleges were agreed upon to be used are not wrongful and wicked, in no just sense can the indictment be held to charge a conspiracy and agreement by the defendants with the fraudulent and malicious intent, "wrongfully and wickedly" to injure Charles and Dennis.

The words "wrongfully and wickedly" in the statute are to be understood as meaning the use of things in themselves "wrongful and wicked," independently of combination. We can not say that the means are wrongful and wicked, because of the agreement to use such means to carry out a malicious intent to injure. (The thing prohibited is an agreement with the malicious intent wrongfully and wickedly to injure.) Whether such intent exists depends upon the means agreed upon to be used to carry out the malicious intent to injure. To say that the means agreed upon are wrongful and wicked because of the agreement to use such means to carry out the malicious intent to injure, amounts to saying that the means receive a character of wrongfulness and wickedness from the agreement to use such means in a manner which depends for its own wrongfulness and wickedness upon the means so agreed upon.

I shall not attempt to define the words "wrongfully or wickedly" as used in the statute. It is sufficient to say that in cases like this where there is no suggestion of fraud, immorality, injury to the public, or violation of contract, there must at least be a civil wrong, and invasion of the civil right of another, carrying with the liability to repair the natural and direct consequences, where injury results to the person whose rights are infringed or invaded. If the acts which the indictment alleges the defendants agreed together to do to compass the discharge of Charles and Dennis with the malicious intent to injure them constitute an actionable civil wrong, they must be regarded as wrongful and wicked in law, and if they do not amount to a civil wrong and are not criminal, they can not be regarded as wrongful and wicked in law.

The judge here cites and quotes from an English case, *Allen v. Flood*, 42 Solicitors Journal, 149, and then says:

The legal principle settled by the case is that the existence of a bad motive will not convert an act, which is not of itself illegal, into a civil wrong. The test laid down to determine what act of members of trades unions of the nature here under consideration are innocent, and what wrongful, is that if the members of a union resort to unlawful acts they may be indicted or sued. If they do not resort to unlawful acts, they are entitled to further their interests in the manner which seems to them best and most likely to be effectual, and both are to my mind correct and salutary rules. The latter is, after all, but a restatement in different words of the rule laid down by Chief Justice Shaw, in 1842, in the case of *Commonwealth v. Hunt*, 4 Metcalf, 134, when he said: "The legality of such an association (a trades union) will therefore depend upon the means to be used for its accomplishment. If it is to be carried into effect by fair or honorable or lawful means, it is, to say the least, innocent; if by falsehood or force, it may be stamped as an illegal conspiracy." There is no suggestion, even in the indictment, that the agreement into which it is alleged the defendants entered, contemplated the use of force, falsehood, or any other act of itself unlawful, and in my opinion it follows that the acts which the indictment alleges the defendants agreed to do, the means they agreed to use, can not be held in law wrongful or wicked. The views here expressed find confirmation in the provisions of our Criminal Code, section 158 [sec. 158 of chap. 38 of the Revised Statutes of Illinois of 1891], for under well settled rules of construction it is but reasonable to infer that the legislature in adopting section 158 as a section of the act of which section 46 was another section, intended to embody in section 158 all matter in relation to interference by combination and agreement between employee and employer, between capital and industry, which it was thought proper to make the subject of a special criminal law.

Judgment is that the motion to quash the indictment must be sustained.

EMPLOYERS' LIABILITY—CONTRIBUTORY NEGLIGENCE—APPLICATION OF STATUTE—*Ashland Coal, Iron and Railway Co. v. Wallace's Administrator*, 43 *Southwestern Reporter*, page 207.—This case was originally brought in the circuit court of Boyd County, Ky., against the named company to recover damages for the death of one

Grant Wallace who, while in the employ thereof as a track layer, was knocked down by slate which fell from the roof of a mine and so injured him that he finally died. A judgment was rendered in favor of the administrator, and the company appealed the case to the court of appeals of the State, which rendered its decision September 25, 1897, and affirmed the judgment of the lower court. (Ashland Coal, Iron and Railway Company *v.* Wallace's Administrator, 42 Southwestern Reporter, page 744.) The company then filed a petition for a rehearing by the court of appeals and the court rendered its decision thereon November 18, 1897, and overruled the petition.

Some points not considered in the original decision were raised and decided upon the rehearing, and are shown in the following, quoted from the opinion of the court:

Appellant asks a rehearing in this case, chiefly because, in the former opinion herein, we failed to consider or construe section 2732 of the Kentucky Statutes, which provides: "Any person employed in any mine governed by this statute, who intentionally or willfully neglects or refuses to securely prop the roof of any working place under his control, or neglects or refuses to obey any order given by any superintendent of the mine in relation to the security of that part of the bank where he is at work, and whoever knowingly and willfully does any act endangering the lives or the health of the persons employed in a mine, or the security of the mines or the machinery, shall be liable to a fine of not less than ten dollars nor more than fifty dollars, to be recovered in the county in which the mine is situate." It is insisted by counsel that, as the entries and roadways of the mine were the working places of Grant Wallace, the same duty and responsibility were imposed by law upon him to see after and prop the roof of the entries as devolves upon a miner, who is actually engaged in taking out coal which is the support of the roof of the mine, to see after the security of the roof of his working place; that the positive duty rested upon Wallace, not only to test the condition of the roof of the entry, that he might report it to the mine boss, but that it was a misdemeanor on his part to begin or continue the work without first making this test to ascertain whether it was secure or not, and, if in his judgment it was not, then to refrain from work until it could be made so by props; and that his failure to do this is contributory negligence on his part, and concludes his right to maintain this suit; and in support of this contention, we are referred to the cases of *Coal Co. v. Estievenard*, 53 Ohio St., 43, 40 N. E., 725; *Coal Co. v. Muir*, 20 Colo., 320, 38 Pac., 378, and *Syndicate v. Murphy* (Ky.), 38 S. W., 700.

In all the cases referred to, the plaintiffs were engaged in actually taking coal out—in actually withdrawing the support from the roof of the mine; and in all of them they necessarily had absolute control and management of the places in which they were working, and were bound, from the nature of their employment, to look out for the security of the roof. They bear no analogy to the facts of this case. Here the mine had been operated for many years before Wallace had been employed as a track layer, and his duty was simply to lay tracks along the entries. In our opinion, the statute was specially intended to refer to those persons actually engaged as miners in taking out coal, and thereby removing the natural props of the roof, and that it has no application

to persons who are specially employed, as was Wallace in this case, to perform duties which had no connection in any way with the weakening or removal of these natural supports.

In the case of *Mining Co. v. Ingraham*, 17 C. C. A., 71, 70 Fed., 223 (a case that is in many respects analogous to this), Judge Caldwell said: "Whatever may be the duty of coal miners with reference to timbering the slopes and roofs of rooms from which they remove coal, the rule is well settled that, after a mine is once opened and timbered, it is the duty of the owner or operator to use reasonable care and diligence to see that the timbers are properly set and kept in proper condition and repair; and for this purpose it is his duty to provide a competent mining boss or foreman, to make timely inspection of the timbers, walls and roof of the mines, to the end that the miners may not be injured by defects or dangers which a competent mining boss or foreman would have discovered or removed. This is a positive duty which the master owes the servant. Neglect to perform this duty is negligence on the part of the master, and he can not escape responsibility for such negligence by pleading that he devolved the duty on a fellow-servant of the injured employee. It is an absolute duty which a master owes his servant to exercise reasonable care and diligence to provide the servant a reasonably safe place in which to work, having regard to the kind of work and the conditions under which it must necessarily be performed; and whenever the master, instead of performing this duty in person, delegates it to an officer or servant, then such officer or servant stands in the place of the master, and any servant injured by such negligence may recover from the master for such injury, regardless of the relation the injured servant sustained to the officer or servant whose negligence resulted in inflicting the injury."

The working place of the plaintiff [Wallace] in this case was a roadway which had been opened and used by all the employees of the mine for many years, and he had the right to presume that, when directed to lay the track in the entry, the master had performed his duty, and to proceed with his work relying upon this presumption, unless a reasonably prudent and intelligent man, in the performance of his work as a tracklayer, would have learned facts from which he would have apprehended danger to himself. The petition for rehearing is overruled.

EMPLOYERS' LIABILITY—FIRE ESCAPES—ASSUMPTION OF RISK—*Huda v. American Glucose Co.*, 48 *Northeastern Reporter*, page 897.—Action was brought in the State of New York by Maryanna Huda, as administratrix, against the company above named, to recover damages for the death of the intestate, who lost his life by fire in a factory belonging to said company, and of which he was an employee. The evidence showed that in the manufacture of glucose it was necessary to maintain a high temperature, and to that end the windows of the factory opening on the fire escapes were required to be kept closed, as well as all other windows therein. They were therefore kept screwed down, but the sashes were light and easily broken, and at the time of the fire were broken and many employees escaped through them and down the fire escapes. A judgment was given for the defendant com-

pany, and upon the plaintiff's appeal to the supreme court, appellate division, fourth department, this judgment was affirmed. She then appealed the case to the court of appeals of the State upon questions certified by the supreme court, which rendered its decision December 14, 1897, and affirmed the action of the lower court.

The opinion of the court was delivered by Judge Gray, and in the course thereof he used the following language:

These facts are sufficient to inform us of the situation, and to enable us to consider the questions certified. They are: "(1) Whether the defendant's method of screwing down the windows of the building in which the deceased was employed, so that there was no access to the fire escapes except by breaking the windows, and forbidding the employees of the defendant engaged in that building from opening the windows, and requiring them to keep a high temperature in the work rooms, was a violation of the statute requiring a construction and maintenance of fire escapes on such buildings. * * * (3) whether the deceased, who was familiar with the defendant's methods as stated in the first question, and for a long period had worked under and acquiesced in the conditions stated in the first question, assumed the risks of the situation; and whether, by reason thereof, the plaintiff is not entitled to recover in this action."

The statute referred to in the first question (Laws 1892, chap. 673, sec. 6) provided for the manner of construction of fire escapes upon factory buildings, and that they should have landings or balconies of a certain size, "embracing at least two windows at each story, and connecting with the interior by easily accessible and unobstructed openings." The answer to the first question turns upon the propriety of the resort by the defendant to the methods adopted to keep the temperature of its factory sufficiently high and uniform. That such conditions were necessary is the fact assumed by the question, and it is conclusive here. Obviously, for their maintenance, the windows had to remain closed, and the duty of the defendant to its employees, in the face of that necessity, was not to interpose between them and the means of escape such a barrier in the description of windows constructed as would prevent a ready passage through them. The proof as to these windows is that they were so light in frame as to offer but the slightest difficulty in breaking through, if the time was wanting to unscrew them. The interior of the factory was connected with each balcony upon the fire escape through windows easily accessible by an unobstructed passage, and the requirement of the statute was thus met. If the windows, as "openings," were readily approached from the interior, and could be passed through, it can not be said that the necessity of having to break them, which the testimony showed was easily done, constituted any greater obstruction than would have been the necessity of uncatching and of lifting them. The reading of the provisions of the statute, upon the subject of fire escapes in factories must be reasonable, and in view of the demands of the case. The construction of the fire escapes must be as prescribed for the outside of the factory building, and, unquestionably, that part of the law which requires a connection to exist with the interior is not to be slighted. But it would be wholly unreasonable to interpret the law as requiring a condition as to the openings upon the fire escapes which the successful prosecution of the business would forbid. There had to be a closed window during the manufacturing process, and, whether it was composed of one sash, or of two

sashes fastened together, was immaterial, so long as it was readily removable by breaking through, and a ready access to and through it was preserved. The evidence shows that there was no serious obstruction at all to a passage to and through the windows. The first question certified is answered, therefore, in the negative.

In considering the third question certified, I think, with the assumption of facts to which the formulation of the question compels us, that but the one answer is possible, and that is that the deceased assumed the risks of the situation. An employee is very reasonably regarded as assuming those risks in his employment which are obvious as well as ordinary. If the master has done all that his duty demanded of him with respect to securing the safety of his workmen, as to the place where they have been set to work, and as to the tools and appliances with which that work was to be done, he will not be liable for a personal injury occurring by reason of a risk which is incidental to the business itself, or which results from the dangers of the environment into which the workman knowingly entered, under proper instructions. The judgment appealed from must be affirmed.

EMPLOYEES' LIABILITY—GUARDS FOR MACHINERY—*Klatt v. N. C. Foster Lumber Co.*, 73 *Northwestern Reporter*, page 563.—Action was brought in the circuit court of La Crosse County, Wis., by William Klatt against the above-named company to recover damages for injuries received while in its employ. He was working near several chains running parallel with each other along the surface of the floor with his feet close to a sprocket wheel that projected above the floor, and there was no protection to prevent his feet from getting into the wheel and chains. His foot slipped on the floor and was caught by the chain and hooks thereon and severely injured, the toes and a part of the foot being torn off. A judgment was rendered for the plaintiff and the defendant company appealed the case to the supreme court of the State, which rendered its decision December 10, 1897, and affirmed the judgment of the lower court.

Among other points made by the plaintiff, he claimed that the company was responsible in damages for failing to properly guard the machinery as required by a statute of the State, and on this point the supreme court, in its opinion delivered by Judge Marshall, held as follows:

Error is assigned on the refusal of the court to instruct the jury as follows: "You can not find that the defendant was negligent merely because of its failure to provide a partition, guard, contrivance or appliance between the sprocket wheel and chain, on which plaintiff was injured, and the place where he worked." We are unable to say that error was committed by the ruling referred to. It is not clear from the evidence that ordinary care, under the circumstances, did not require some protection to guard against the danger of employees, circumstanced as plaintiff was, getting their feet caught in the chain and sprocket wheel. So we can not say, as a matter of law, that the omission of such guard was not negligence. The statute of this State [sec.

.1636f, Annotated Statutes of 1889] requires all gearing so located as to be dangerous to employees when engaged in their ordinary duties, to be securely guarded so as to be safe to such employees in such employment. If the sprocket wheel was so located as to be dangerous to plaintiff while engaged in his ordinary duties, unless guarded in some proper way, then the statute applies and the absence of the guard was negligence *per se*. This court has distinctly held that when the law requires some particular thing to be done by a person to guard the personal safety of others, a failure to perform the duty so imposed constitutes actionable negligence at the suit of a person of that class, injured by such failure of duty, without contributory negligence on his part. The fact that a penalty is imposed, by the law requiring the performance of the duty, for noncompliance therewith, makes no difference, unless the penalty be expressly given to the party injured in satisfaction of such injury. In Wharton on Negligence (section 443) the rule is stated thus: "Where a statute requires an act to be done or abstained from, by one person for the benefit of another, then an action lies in the latter's favor, against the former, for neglect of such act or abstinence, even though the statute gives no special remedy. The imposition of a penalty by the statute does not take the place of the remedy by suit for negligence, unless the penalty be given to the party injured in satisfaction for the injury."

EMPLOYERS' LIABILITY — RAILROAD COMPANIES — APPLICATION OF SPEED ORDINANCE TO EMPLOYEES—*East St. Louis Connecting Ry. Co. v. Eggman*, 48 *Northeastern Reporter*, page 981.—This was an action on the case brought by E. J. Eggman, as administrator of the estate of Joseph T. Newland, deceased, against the above-named railway company, for negligently causing the death of his intestate. Upon trial in the city court of East St. Louis, Ill., the plaintiff recovered a judgment for \$3,500. On appeal to the appellate court of the fourth district the judgment was affirmed, and the railway then appealed to the supreme court of the State, which rendered its decision December 22, 1897, and affirmed the judgment of the lower courts.

The facts in the case and an interesting point of the decision are given in that part of the opinion of the supreme court which is quoted below:

The declaration charges that, while the deceased was in defendant's employ as a carpenter, constructing a drain near or under defendant's track, on the bank of the Mississippi River, in East St. Louis, the defendant's employees in charge of one of its engines attached to freight cars, negligently and carelessly ran the same upon him, thereby so injuring him that he died. It is charged that he was not a fellow-servant with those in charge of the engine, and that he was in the exercise of due care for his own safety. The negligent acts charged against the servants controlling the engine are that it was being run at a rate of speed exceeding six miles per hour, contrary to an ordinance of the city of East St. Louis, and that, in violation of a like ordinance, it was being run without ringing a bell upon the same; these acts of

negligence being within the city limits of the city of East St. Louis, and causing the alleged injury. We shall only notice a few of the points urged here for a reversal.

The first of these, in natural order, is that the declaration states no cause of action, and therefore the trial court erred in overruling the defendant's motion in arrest of judgment. The ground of this position is that the ordinance which the defendant is charged in the declaration with having violated was only intended to protect the public against the danger of moving trains and locomotives at public places, and could have no legal application, as between the railroad company and its employees, to locomotives being run in the company's private grounds. This same question was presented for decision in *Railroad Co. v. Gilbert*, 157 Ill., 354, 41 N. E., 724, and decided adversely to the contention here urged. That case was cited and followed in *Railroad Co. v. Eggman*, 161 Ill., 155, 43 N. E., 620. We have given due consideration to the argument urging the overruling of these decisions, but find no sufficient reason for so doing. The power of the municipality to pass the ordinance as reasonably tending to protect persons against injury is not seriously questioned, and we can see no good reason for holding that a person should be deprived of that protection merely because he is at the time an employee of the company, working in its yards or other private grounds.

EMPLOYERS' LIABILITY—RAILROAD COMPANIES—CONSTRUCTION OF STATUTE—*Keatley v. Illinois Central R. R. Co.*, 72 *Northwestern Reporter*, page 515.—This action was brought in the district court of Dubuque County, Iowa, by the administrator of Robert Keatley, deceased, to recover damages for his death from the railroad company above named. Robert Keatley was a member of a "stone gang" employed by the company in building a retaining wall near one end of an iron bridge which was being built at the same time by an "iron gang" employed by the company. Trains were allowed to run over this bridge, although not fully completed, and the foreman of the "iron gang" had control over the speed of the trains and signaled them at what speed to go upon and over the bridge. At the time of the accident a freight train came upon the bridge, and the engine and ten cars passed over it. The next two cars were derailed, but passed over the bridge on the ties, and as they came opposite a derrick platform, where the deceased was engaged, one of them rolled off the trestle and, falling on said platform, killed the deceased. The bridge went down with the remainder of the train. It was alleged by the plaintiff that this accident was caused by the negligence of the foreman of the "iron gang" in allowing the train to go upon the bridge at too great a rate of speed. A judgment was rendered for the plaintiff, and the defendant company appealed the case to the supreme court of the State, which rendered its decision October 18, 1897, and affirmed the judgment of the lower court.

From the opinion of the court, which was delivered by Chief Justice Kinne, the following, showing the main points of the decision, is quoted:

This is the second appeal in this case. The opinion in the former hearing will be found in 63 N. W., 560. Much is said in argument by the appellant to the effect that this boy Robert Keatley and his stone gang and the iron gang were fellow-servants, and that, in the absence of the statute (sec. 1307 of the Code of 1873), there could be no liability under the established facts. It is then insisted that the facts do not bring the case within the provisions of the statute. Appellant's contention is that the negligence of the foreman of the iron gang was not the negligence of one engaged in the operation of the road, within the meaning of the statute, and that decedent was not injured by reason of the negligent operation of the road. On the former appeal this language was used in the opinion: "Applying the facts attending the employment of the deceased to the statute, we think that if he was not out of the line of his duty in standing on the derrick platform, and the employees of the defendant negligently ran the train at a dangerous rate of speed, upon an unfinished and insecure and unsafe bridge, by reason of which the cars left the track, and caused the death of the deceased, he was within the statute, and a right of action accrued." Counsel now insists that plaintiff can not recover unless it appears that the injury complained of was caused by or through the negligence of the employees who were running or operating the train, and, as the trial court instructed the jury that said employees were not negligent, there can be no recovery under the statute. The language of the former opinion is to be construed with reference to what was said before the court and the issues as then made. It was then said that no charge of negligence on the part of employees for failing to put out a flag or other sign to stop the train was made in the petition. The case is now before us on allegations of negligence not made before; and, in view of this situation, there is nothing in the former opinion justifying the claim counsel now makes for it as applicable to the facts now before us. The statute of 1873 (Code, sec. 1307) is as follows: "Every corporation operating a railway shall be liable for all damages sustained by any person, including employees of such corporation, in consequence of the neglect of agents, or by any mismanagement of the engineers or other employees of the corporation, and in consequence of the willful wrongs whether of commission or omission of such agents, engineers, or other employees, when such wrongs are in any manner connected with the use and operation of any railway, on or about which they shall be employed, and no contract which restricts such liability shall be legal or binding."

On the former appeal we held that the employment of the decedent placed him within the protection of this statute. (*Keatley v. Railroad Co.*, supra.) Upon the record now before us, the facts touching his employment are the same as they appeared upon the former trial. We discover no reason for not adhering to our former holding in that respect.

In determining whether the accident resulted from the negligent operation of the train, it is not necessary, as counsel argue, that such negligence must be the act or failure to act of employees who are actually on the train. A train may be controlled by those upon it, or it may be controlled by one not on it, by signals given to those operating the train. It can make no difference, as to the right of recovery, whether the negligence, if any, which resulted in causing the accident, was the act or failure to act of one of the trainmen, or of some other

man in the defendant's employ, and who was charged with the duty of controlling the movements of the train by flag signal or otherwise. The foreman of the iron gang had control over the speed of trains across this bridge, and if he failed to signal the engineer of the train, and as a result it moved across the bridge at a dangerous rate of speed, thereby killing the decedent, the negligence was that of one charged with responsibility with respect to the movement of the train. Suppose this foreman of the iron gang had signaled the engineer to go slow across the bridge, and the engineer disobeyed the signal, would any one question the liability of the company if such disobedience resulted in Keatley's death? Surely not. There can be no doubt, then, of liability when another employee (foreman of the iron gang), who is charged with a duty with reference to the moving train, fails to perform it, and as a result a man is killed. (*Pierce v. Railway Co.*, 73 Iowa, 140, 34 N. W., 783; *Doyle v. Railway Co.*, 77 Iowa, 608, 42 N. W., 555.) Counsel is in error when he says: "In the case at bar there was no negligence in the operation of the railroad by any one engaged in its operation." The foreman of the iron gang, while not an operative upon the train, engaged in the physical labor of controlling its movements, was at the bridge, furnished with a slow flag, charged with the control of the operation of the train over that uncompleted structure, and to that extent it was his duty to control the operation of the train, by giving the proper signal to slow up the train in case the condition of the bridge required it. If he neglected that duty, he neglected a duty touching the operation of the road, because, so far as the duty enjoined upon him to signal the train was concerned, he was as much engaged in operating the road, within the meaning of the statute, as the engineer on the train.

EMPLOYERS' LIABILITY ACT—CONSTRUCTION OF STATUTE—VICE PRINCIPALS—*Baltimore and Ohio Southwestern Ry. Co. v. Little*, 48 *Northeastern Reporter*, page 862.—This action was brought in the circuit court of Pike County, Ind., by Mary F. Little, administratrix, to recover damages for the death of one John F. Little, a locomotive engineer in the employ of the above-named railway company. The death of Little was caused by a collision with a freight train which had been placed upon a siding where it was standing when the collision occurred. The head brakeman of the freight train had unlocked the switch to let his train go upon the siding and had then left the switch open, so that the train of which Little was engineer ran onto the same siding with the freight train instead of passing by on the main track as was intended. It was upon the negligence of this head brakeman that the administratrix based her claim. The decision of the district court was in her favor, and the railway company appealed the case to the supreme court of the State, which rendered its decision December 17, 1897, and reversed the decision of the lower court.

The opinion of the supreme court, which was delivered by Judge Hackney, reads in part as follows:

The limits of our inquiries have been narrowed somewhat by the following concessions of counsel for the appellee [Mary F. Little]: "At

the very threshold of our argument, we feel called upon to concede, which we do frankly, that our cause would be untenable, under our Indiana decisions, but for the 'Employers' Liability Act,' of March 4, 1893;" and "we concede again that we must ground our claim for an affirmation of the judgment on subdivisions numbered 3 and 4 of section 1 of that act." This concession, which is undoubtedly correct, would, in the absence of the provisions of the act mentioned, defeat the appellee's recovery upon the rule that the head brakeman, whose negligence caused the collision and the death of Little, was a fellow-servant of Little as to the act negligently omitted. It remains, therefore, to determine whether the paragraph of complaint in question stated a cause of action; freed, by the act mentioned, from the fellow-servant rule.

The third and fourth subdivisions of section 1 of the act of March 4, 1893 (Acts 1893, p. 294; Rev. St. 1894, sec. 7083), are as follows, our figures separating them into specifications of exemption from the fellow-servant rule: (1) "Third. Where such injury resulted from the act or omission of any person done or made in obedience to any rule, regulation or by-law of such corporation [any railroad or other corporation except municipal], or" (2) "in obedience to the particular instructions given by any person delegated with the authority of the corporation in that behalf." (3) "Fourth. Where such injury was caused by the negligence of any person, in the service of such corporation, who has charge of any signal, telegraph office, switch yard, shop, round-house, locomotive engine or train upon a railway, or" (4) "where such injury was caused by the negligence of any person, coemployee, or fellow-servant engaged in the same common service, in any of the several departments of service of any such corporation, the said person, coemployee, or fellow-servant at the time acting in the place and performing the duty of the corporation in that behalf, and the person so injured, obeying or conforming to the order of some superior, at the time of such injury having authority to direct; but nothing herein contained shall be construed to abridge the liability of the corporation under existing law."

The gist of the cause of action alleged, as we have seen, was in the omission of a duty, which duty was required by rule of the appellant corporation. The complaint did not allege that the omission by the brakeman was in obedience to a rule. It is plain, therefore, that the case does not fall within the first of the above specifications of the act. The appellee's construction of this specification is that if any duty is enjoined by rule, etc., upon a servant, and the duty is omitted or neglected, the corporation is liable for resulting injury. If this was the proper construction of the specification, there would be little requirement for other provisions of the act than those of the third subdivision, since it would strike down the fellow-servant rule in its entirety wherever the act or omission is in the line of duty. It would make the corporation liable for the act or omission of a servant, whether negligent or not, and whether the duty negligently performed or negligently omitted may have been enjoined by the general rules, etc., of the corporation, or is in obedience to particular instructions from one "delegated with authority in that behalf." Such was not the intention of the legislature. On the contrary, we think there can be no doubt that it was intended by the third subdivision to make corporations liable where the servant does an act or omits action in obedience to the command of the corporation given by rule, regulation, or by-law, or through any person delegated with authority from the corporation to make the command. This

construction not only arises from the unambiguous language of the subdivision, but is supported by the general character of the act and the provisions of subdivision fourth.

The fourth subdivision relates to the negligence of servants, and not, as with the third subdivision, to acts or omissions done or made by order of the company or some one in command. The specification which we have numbered 3 describes a class of servants for whose negligence corporations are made liable, and they are servants most of whom, if not all, have heretofore been held not to perform a duty which the master owed to other servants in the same general line of the common service, and therefore fellow-servants. In other words, this specification but enlarged the class of vice principals as it had before existed. Does the negligent omission at the foundation of the cause of action here pleaded appear from the pleading to have been by any of the vice principals so described? The only allegation of the complaint is that the omitted duty was by a brakeman, and we find that brakemen are not named in the law among the vice principals therein so described. But, in order to support the complaint, counsel for the appellee insist that the legislature did not intend to use the phrase "switch yard," but intended to separate the two words with a comma. With this change of punctuation, they would add to the number of vice principals one in "charge of any * * * switch," and then, from the duty to open and close the switch when he admitted his train to the side track, argue that the brakeman was in "charge" of the switch at the time he neglected to close it. This position is supported by the insistence that there is not, in railroading parlance, any such term as "switch yard," and that the lexicographers recognize no such term. In the statute the word "yard" is employed in connection with and as descriptive of railway service, and, as said in *Harley v. Railroad Co.*, 57 Fed., 144, "the court may know, from its general knowledge of the methods and appliances of railroad companies, * * * 'the yard' consists of side tracks upon either side of the main track, and adjacent to some principal station or depot grounds, where cars are placed for deposit, and where arriving trains are separated and departing trains made up. It is the place where such switching is done as is essential to the proper placing of cars either for deposit or for departure." "Railroad yard" and "switch yard," we have no doubt are synonymous, and the latter term was used in the act under consideration as descriptive of the former. Accepting our construction of the third specification, there is no place for the contention of appellee's learned counsel that the temporary use of the switch by the brakeman placed him in "charge" of it, within the meaning of the act. Judgment reversed.

LABELS OF LABORERS' UNIONS—INJUNCTION TO PREVENT FRAUDULENT USE OF SAME, ETC.—*Tracy v. Banker*, 49 *Northeastern Reporter*, page 308.—This was a bill in equity brought in the supreme judicial court of Massachusetts by Thomas F. Tracy, as vice president of the Cigar Makers' International Union of America, a voluntary association, to prevent the defendant from fraudulently using the association's trade-union label, or counterfeits thereof. The decision of the court was rendered February 8, 1898, and a decree for the plaintiff was issued. The decision was based largely upon the construction of

chapter 462 of the acts of 1895, and especially of section 3 thereof. The statute provides for the adoption of labels, trade-marks, etc., by individuals, associations, or unions, and section 3 thereof reads as follows:

SEC. 3. The owner of any such label, trade-mark, stamp or form of advertisement recorded as provided in section 1 of this act, may proceed by suit to enjoin the manufacture, use or sale of any such counterfeits or imitations, and all courts having jurisdiction thereof shall grant injunctions to restrain such manufacture, use or sale, and shall award the complainant in such suit such damages resulting from such wrongful manufacture, use or sale as may by said court be deemed just and reasonable, and shall require the defendant to pay to such person, association or union the profits derived from such wrongful manufacture, use or sale; and such court may also order that all such counterfeits or imitations in the possession or under the control of any defendant in such case be delivered to an officer of the court, or to the complainant to be destroyed. In all cases where such association or union is not incorporated, suits under this act may be commenced and prosecuted by an officer of such association or union, on behalf of and for the use of such association or union, and every member of such association or union shall be liable for costs in any such proceedings.

The opinion of the court was delivered by Judge Holmes and reads, practically in full, as follows:

The defenses requiring notice are that the statute protects only merchants or manufacturers, that the association is not of a kind that will be protected by the court, and laches.

The label is a part of the well-known machinery of trade unions, and the use of it is found, if a finding be necessary, to be of value to the union and its members. It would not be traveling too far from the record, perhaps, if we should assume that the use of the label is in fact, as certainly it might be, of far more economic importance to the union than are many or most of the trade-marks, strictly so called, which are protected by the courts. Nevertheless, technical difficulties, which would have been hard to escape from without some subtlety or a statute, prevented the plaintiff from recovering in a case like this. (See *State v. Bishop*, 128 Mo., 373, 381, 31 S.W., 9.) That was in 1890. Just before the argument of that case there was an attempt at legislation on the subject. (St., 1890, chap. 104.) Three years later a statute was passed which certainly looks as if it had been intended, in part, to meet that decision. (St., 1893, chap. 443.) But this act was still somewhat under the influence of the notion that protection of the label was a protection of manufacture; and after an amendment by St., 1894, chap. 285, it was repealed by the act of 1895, which is still in force. It is true that the present statute is entitled "An act to protect manufacturers from the use of counterfeit labels and stamps." But we can see no sufficient room for doubt that it protects the plaintiff. The first section extends to "any person, association or union." That unincorporated associations or unions were contemplated is shown by section 3, already referred to, which allows suits to be prosecuted by the officers of such associations or unions. It is impossible to believe that, when the statute mentions unincorporated unions, it does not refer to trade unions. It authorizes such unions to adopt, as well as to record, a label. Therefore it creates a right, if the court is unable to recognize one without its aid. If it applies to trade unions, it must be taken to apply to them as they ordinarily are; that is, as associations of work-

men, not as manufacturers or venders of goods. It contemplates that the labels will be applied to merchandise, as of course they must be, and as these labels are. But it carefully abstains from using a word which implies that the protection or wrongful use of labels is confined to manufacturers or venders. The policy of the statute is shown by the above-cited amendment of 1894 to the earlier act, which had for its object to extend the liability to others besides manufacturers.

If, as we think, the statute expressly creates or recognizes the right of trade unions to be protected in the use of labels for trade-union purposes, the suggestion that the association represented by the plaintiff is an unlawful association falls of itself. It is too late to make such a contention as to trade unions generally, even apart from the statute under which this suit is brought. But the general purposes of this union are similar, so far as we know, to the general purposes of other unions. The constitution, as a whole, is not illegal; and the association is not deprived of the protection of the law, for what otherwise would be its rights, if in some incident or particular the purposes which it expresses are unlawful—which we do not imply.

The plaintiff's association had a label registered under the earlier statute of 1893. The defendant has the boldness to urge that because he began his attempt to defraud the union in 1894, before the act of 1895 was passed, after having been permitted on his application to use the label for a time, therefore the plaintiff's union has no rights under the statute. We do not think the suggestion needs more than a statement.

The plaintiff has lost no rights through laches.

Finally, as the plaintiff makes out his right, it is to be protected against one form of swindling as well as another—against the use of real labels in a fraudulent way, as well as against the use of counterfeits—if, indeed, the real labels, as used by the defendant after mutilation, are not counterfeits, within the statute. Decree for plaintiff.

MASTER AND SERVANT—WAGES—FORFEITURE—*Cote v. Bates Manufacturing Co.*, 39 *Atlantic Reporter*, page 280.—This was an action brought by Pierre Cote against the above-named company in the supreme judicial court of Maine to recover \$7.14, wages due, and a like amount as a forfeiture under section 4 of chapter 139 of the acts of 1887, which reads as follows:

It shall be lawful for any person, firm or corporation engaged in any manufacturing or mechanical business, to contract with adult or minor employees to give one week's notice of intention on such employee's part, to quit such employment under a penalty of forfeiture of one week's wages. In such case, the employer shall be required to give a like notice of intention to discharge the employee; and on failure, shall pay to such employee a sum equal to one week's wages. No such forfeiture shall be enforced when the leaving or discharge of the employee is for a reasonable cause. *Provided, however*, The enforcement of the penalty aforesaid shall not prevent either party from recovering damages for a breach of the contract of hire.

The court rendered its decision December 10, 1897, and gave judg-

ment for the plaintiff for the wages claimed but not for the forfeiture. The opinion of the court, delivered by Judge Strout, reads as follows:

Plaintiff was a weaver in defendant's mill, receiving 50 cents per cut. His contract, which was in writing, provided that he should give one week's notice of his intention to quit, and work that week, and that, if he quit without giving such notice and working, he should forfeit one week's wages. The statute imposes a like forfeiture by a corporation for the discharge of its laborer, without one week's notice of its intention. On Saturday, May 16, 1896, defendant owed plaintiff for two weeks' work, amounting to \$14.28. On May 11th defendant gave notice of a reduction in pay of weavers to 48 cents per cut, to take effect on Monday, May 18th. Plaintiff says he first knew of this May 16th. On Monday, May 18th, plaintiff went into the mill, but did not start his loom, and he, with others, refused to work at the reduced rate, and left. He says he was willing to work his notice at the old price, but understood that, if he worked longer, he would only be paid at the reduced rate. He was not told that if he gave notice, and worked the week, he would receive the old price. He went back on the following Wednesday, and worked one week, for which he was paid at the rate of 48 cents per cut, and was also paid \$7.14, for one week's work previously done, the company retaining an equal amount as forfeited, on the ground that he left without giving the required notice.

This action is brought to recover the amount withheld, and also a like amount as forfeiture under the statute, for discharging him without notice. The case fails to show legal ground for recovery of forfeiture, as defendant did not attempt to discharge plaintiff.

As to the week's unpaid wages, whatever might have been the legal right of plaintiff to recover at the old rate, if he had given notice on the 18th and worked his week, the plaintiff had good reason to suppose that he would not be so paid, and was therefore justified in leaving. If defendant intended to pay 50 cents per cut, for the time of the week's notice, it could very easily have so informed the plaintiff. But failing in this, and the reply of the superintendent to a remonstrance of the weavers, that the old price would not be restored, fairly gave the weavers to understand that only 48 cents per cut would be paid after May 18th. Acting upon this inference, warranted by all the circumstances, the plaintiff was justified in leaving, and incurred no forfeiture thereby. He is entitled to recover the week's wages withheld. Judgment for the plaintiff for \$7.14, and interest from date of writ.

MECHANICS' LIENS—APPLICATION OF STATUTE—*Koken Iron Works v. Robberson Avenue Railway Co.*, 11 *Southwestern Reporter*, page 269.—This was an action to enforce a mechanic's lien brought up on writ of error from the circuit court of Greene County, Mo., where a judgment had been rendered for the plaintiff, to the supreme court of the State. Said court rendered its decision November 3, 1897, and affirmed the judgment of the lower court.

The decision involved but one point of much interest, which is clearly stated in so much of the opinion of the supreme court, delivered by Chief Justice Barclay, as is quoted below:

Counsel for the railway company insists that street railroads are not

within the intent of the law giving a lien upon the "roadbed, station houses, depots, bridges, rolling stock, real estate and improvements" of "any railroad company" for which work or labor is done, as defined by the statute (2 Rev. St., 1889, sec. 6741). Undoubtedly, much of the language of that law is applicable to railroads operated by steam. Those were the roads to which the acts were chiefly designed to apply. But the general terms of the law are also susceptible of application to street railroads, and we find nothing in any part of the enactment to indicate that such application is not intended. When we bring into view the various statutes affording liens for materials or labor furnished for the improvement of land, and consider the broad objects sought by such legislation, it seems clear that street railroads were not intended to be exempt from liability to respond to such lien claims in a proper case. Laws of this nature should receive a fair and rational interpretation, and full effect be given to the remedial purpose that constitutes their spirit.

WEEKLY PAYMENT OF WAGES—CONSTRUCTION OF STATUTE—*Commonwealth v. Dunn*, 49 *Northeastern Reporter*, page 110.—This was an action by the State against John A. Dunn for a violation of the statute in relation to the weekly payment of wages brought in the superior court of Worcester County, Mass. Said case turned largely upon the construction of sections 51, 65, and 78 of chapter 508 of the acts of 1894 and section 1 of chapter 438 of the acts of 1895, which read as follows:

SEC. 51. Every manufacturing, mining or quarrying, mercantile, railroad, street railway, telegraph and telephone corporation, every incorporated express company and water company shall pay weekly each employee engaged in its business the wages earned by such employee to within six days of the date of said payment; and every city shall so pay every employee engaged in its business, unless such employee shall request in writing to be paid in some different manner; and every municipal corporation not a city and every county shall so pay every employee in its business if so required by him; but if at any time of payment any employee shall be absent from his regular place of labor he shall be paid thereafter on demand. The provisions of this section shall not apply to any employee of a cooperative corporation or association who is a stockholder therein, unless such employee shall request such corporation to pay him weekly. The railroad commissioners after a hearing, may exempt any railroad corporation from paying weekly any of its employees who, in the opinion of the commissioners, prefer less frequent payments, and when the interests of the public and such employees will not suffer thereby.

SEC. 65. Any corporation violating the provisions of section fifty-one of this act, requiring the weekly payment of wages, shall be punished by a fine not exceeding fifty dollars and not less than ten dollars.

SEC. 78. Any person violating any provision of this act where no special provision as to the penalty for such violation is made shall be punished by fine not exceeding one hundred dollars.

SEC. 1. Sections fifty-one to fifty-four, inclusive, of chapter five hundred and eight of the acts of the year eighteen hundred and ninety-four, relative to the weekly payment of wages by corporations, shall

apply to any person or partnership engaged in this Commonwealth in any manufacturing business and having more than twenty-five employees. And the word "corporation," as used in said sections, shall include such persons and partnerships.

The defendant, Dunn, was convicted and carried the case to the supreme judicial court of the State on exceptions. Said court rendered its decision January 8, 1898, and sustained the exceptions. Chief Justice Field delivered the opinion of the court, and the following is quoted therefrom:

We are of opinion that the effect of St., 1895, chap. 438, is to make persons and partnerships engaged in any manufacturing business in the Commonwealth, and having more than 25 employees, subject to the general provisions of St., 1894, chap. 508, sec. 51, concerning manufacturing corporations; but that the special provisions of that section concerning municipal corporations not cities, and concerning counties, cooperative corporations or associations, and railroad corporations are not applicable to such persons and partnerships. As the word "corporations," found in section 65 of the statute of 1894, can not be held to include the persons and partnerships mentioned in the statute of 1895, we are of opinion that section 78 of the statute of 1894 is applicable to such persons and partnerships. After the passage of the statute of 1895, section 51 of the statute of 1894 is to be read as if the statute of 1895 had been incorporated in it.

DECISIONS UNDER COMMON LAW.

CONSPIRACY—BOYCOTTS—*Hopkins et al. v. Oxley Stave Co.*, 83 *Federal Reporter*, page 912.—This case was brought before the United States circuit court of appeals, eighth circuit, on appeal from the United States circuit court for the district of Kansas. (See *Oxley Stave Co. v. Coopers' International Union of North America et al.*, 72 *Federal Reporter*, page 695, and *Bulletin of the Department of Labor*, No. 7, page 783.) A bill for an injunction was asked by the Oxley Stave Company against Lodge No. 18 of the above-named union, the Trades Assembly of Kansas City, Kans., and a number of the individual members of such organizations. As against the organizations the bill was dismissed, and a temporary injunction was granted against the remaining defendants, from which they appealed. The circuit court of appeals rendered its decision November 8, 1897, and, by a divided court, sustained the decision of the circuit court.

The opinion of the court was delivered by Circuit Judge Thayer and contains a full statement of the facts in the case. A strong dissenting opinion was delivered by Circuit Judge Caldwell. Both of these opinions are given below in full:

THAYER, Circuit Judge. This case comes on appeal from an order made by the circuit court of the United States for the district of Kansas, granting an interlocutory injunction. The motion for the injunction was heard on the bill and supporting affidavits, and on certain opposing affidavits. There is no substantial controversy with reference to the material facts disclosed by the bill and accompanying affidavits,

which may be summarized as follows: The appellants, H. C. Hopkins and others, who were the defendants below, are members of two voluntary, unincorporated associations, termed, respectively, the Coopers' International Union of North America, Lodge No. 18, of Kansas City, Kan., and the Trades Assembly of Kansas City, Kan. The first of these associations is a labor organization composed of coopers, which has local lodges in all the important trade centers throughout the United States and Canada. The other association, the Trades Assembly of Kansas City, Kan., is a body composed of representatives of many different labor organizations of Kansas City, Kan., and is a branch of a general organization of the same name which exists and operates, by means of local assemblies, in all the principal commercial centers of the United States and Europe. The Oxley Stave Company, the plaintiff below and appellee here, is a Missouri corporation, which is engaged at Kansas City, Kan., where it has a large cooperage plant, in the manufacture of barrels and casks for packing meats, flour, and other commodities. It sells many barrels and casks annually to several large packing associations located at Kansas City, Mo., and Kansas City, Kan., and also has customers for its product in sixteen other States of the Union, and in Europe. Its annual output for the year 1895 was of the value of \$164,173. For some time prior to November 16, 1895, the plaintiff company had used successfully in its cooperage plant at Kansas City, Kan., certain machines for hooping barrels, which materially lessened the cost of making the same. It did not confine itself exclusively to the manufacture of machine-hooped barrels, but manufactured, besides, many hand-hooped barrels, and employed a large number of coopers for that purpose. The wages paid to the coopers in its employ were satisfactory, and no controversy had arisen between the plaintiff and its employees on that score. On or about November 16, 1895, the plaintiff company was informed by a committee of persons representing the local lodge of the Coopers' Union, No. 18, at Kansas City, Kan., that it must discontinue the use of hooping machines in its plant. Said committee further informed the plaintiff that they had already notified one of its largest customers, Swift & Co., that, in making contracts with the plaintiff for barrels, the Coopers' Union would require such customer, in future, to specify that all barrels supplied to it by the plaintiff must be hand-hooped. None of the members of this committee were employees of the plaintiff company, and, with one exception, none of the present appellants were or are in its employ. At a later date the Coopers' Union, No. 18, called to its assistance the Trades Assembly of Kansas City, Kan., for the purpose of enforcing its aforesaid demand; and on or about January 14, 1896, a committee of persons representing both of said organizations waited upon the manager of the plaintiff company, and notified him, in substance, that said organizations had each determined to boycott the product of the plaintiff company unless it discontinued the use of hooping machines in its plant, and that the boycott would be made effective on January 15, 1896. The formal action taken by the Trades Assembly was evidenced by the following resolution:

"To the officers and members of the Trades Assembly, greeting: Whereas, the cooperage firms of J. R. Kelley and the Oxley Cooperage Company have placed in their plants hooping machines operated by child labor; and whereas, said hooping machines is the direct cause of at least one hundred coopers being out of employment, of which a great many are unable to do anything else, on account of age, and at a meeting held by Coopers' Union No. 18 on the 31st of December, 1895, a

committee was appointed to notify the above firms that unless they discontinued the use of said machines on and after the 15th of January, 1896, that Coopers' Union No. 18 would cause a boycott to be placed on all packages hooped by said machines the 15th of January, 1896, and at a meeting held by Coopers' Union No. 18 on the 4th of January, 1896, delegates were authorized to bring the matter before the Trades Assembly in proper form, and petition the assembly to indorse our action, and to place the matter in the hands of their grievance committee, to act in conjunction with the committee appointed by Coopers' Union No. 18 to notify the packers before letting their contracts for their cooperage: Therefore, be it resolved, that this Trades Assembly indorse the action of Coopers' Union No. 18, and the matter be left in the hands of the grievance committee for immediate action.

"Yours, respectfully,

"J. L. COLLINS,
"Secretary Coopers' International Union
of North America, Lodge 18."

It was also charged, and the charge was not denied, that the members of the voluntary organizations to which the defendants belonged had conspired and agreed to force the plaintiff, against its will, to abandon the use of hooping machines in its plant, and that this object was to be accomplished by dissuading the plaintiff's customers from buying machine-hooped barrels and casks; such customers to be so dissuaded through fear, inspired by concerted action of the two organizations, that the members of all the labor organizations throughout the country would be induced not to purchase any commodity which might be packed in such machine-hooped barrels or casks. The bill charged, by proper averments (and no attempt was made to prove the contrary), that the defendants were persons of small means, and that the plaintiff would suffer a great and irreparable loss, exceeding \$100,000, if the defendants were allowed to carry the threatened boycott into effect in the manner and form proposed. The injunction which the court awarded against the defendants was, in substance, one which prohibited them, until the final hearing of the case, from making effective the threatened boycott, and from in any way menacing, hindering, or obstructing the plaintiff company, by interfering with its business or customers, from the full enjoyment of such patronage and business as it might enjoy or possess independent of such interference.

The first proposition contended for by the appellants is that the trial court acted without jurisdiction in awarding an injunction. The ground for this contention consists in the fact that in the bill, as originally filed, two persons were named as defendants who were citizens and residents of the State of Missouri, under whose laws the Oxley Stave Company was incorporated. But as the case was dismissed as to these defendants, and as to the two voluntary unincorporated associations, and as to all the members thereof who were not specifically named as defendants in the bill of complaint, before an injunction was awarded, and as the bill was retained only as against persons concerned in the alleged conspiracy who were citizens and residents of the State of Kansas, the objection to the jurisdiction of the trial court is, in our opinion, without merit. *Oxley Stave Co. v. Coopers' International Union of North America*, 72 Fed., 695. It is further urged that the trial court had no right to proceed with the hearing of the case in the absence of any of the persons who were members of the two voluntary organizations, to wit, the Coopers' Union, No. 18, and the Trades Assembly of Kansas City, Kan., because

all the members of those organizations were parties to the alleged conspiracy. This contention seems to be based on the assumption that every member of the two organizations had the right to call upon every other member for aid and assistance in carrying out the alleged conspiracy, and that an injunction restraining a part of the members from rendering such aid and assistance would necessarily operate to the prejudice of those members who had not been made parties to the suit. In other words, the argument is that certain indispensable parties to the suit have not been made parties, and that full relief, consistent with equity, can not be administered without their presence upon the record. We do not dispute the existence of the rule which the defendants invoke, but it is apparent, we think, that it has no application to the case in hand. The present suit proceeds upon the theory—without which no relief can be afforded—that the agreement entered into between the members of the two voluntary associations aforesaid is an unlawful conspiracy to oppress and injure the plaintiff company; that no right whatsoever can be predicated upon, or have its origin in, such an agreement; and that the members of the two organizations are jointly and severally liable for whatever injury would be done to the plaintiff company by carrying out the object of the alleged agreement. The rule is as well settled in equity as it is at law that, where the right of action arises *ex delicto*, the tort may be treated as joint or several, at the election of the injured party, and that he may, at his option, sue either one or more of the joint wrongdoers. (Cunningham *v.* Pell, 5 Paige, 607; Wall *v.* Thomas, 41 Fed., 620, and cases there cited.) We perceive no reason, therefore, why the case was not properly proceeded with against the appellants, although numerous other persons were concerned in the alleged combination or conspiracy.

We turn, therefore, to the merits of the controversy. The substantial question is whether the agreement entered into by the members of the two unincorporated associations to boycott the contents of all barrels, casks, and packages made by the Oxley Stave Company which were hooped by machinery was an agreement against which a court of equity can afford relief, preventive or otherwise. The contention of the appellants is that it was a lawful agreement, such as they had the right to make and carry out, for the purpose of maintaining the rate of wages then paid to journeymen coopers, and that, being lawful, the injury occasioned to the plaintiff company, no matter how great, was an injury against which neither a court of law nor equity can afford any redress. According to our view of the case, the claim made by the defendants below, that one object of the threatened boycott was to prevent the employment of child labor, is in no way material; but, in passing, it will not be out of place to say that this claim seems to have been a mere pretense, since it was shown that the machinery used to hoop barrels can not be managed by children, but must, of necessity, be operated by persons who have the requisite strength to handle barrels and casks weighing from 75 to 80 pounds with great rapidity. It is manifest that this is a species of labor which could not, in any event, be performed by children. Neither do we deem it necessary on the present occasion to define the term "boycott;" for, whatever may be the meaning of that word, no controversy exists in the present case concerning the means that were to be employed by the members of the two labor organizations for the purpose of compelling the plaintiff company to abandon the use of hooping machines. It is conceded that their purpose was to warn all of the plaintiff's immediate customers not to purchase machine-hooped barrels or casks, and to warn whole-

sale and retail dealers everywhere not to handle provisions or other commodities which were packed in such barrels or casks. This warning was to be made effectual by notifying the members of all associated labor organizations throughout the United States, Canada, and Europe, not to purchase provisions or other commodities, and, as far as possible, to dissuade others from purchasing provisions or other commodities which were packed in machine-hooped barrels or casks. The object of the conspiracy, it will be seen, was to interfere with the complainant's business, and to deprive the complainant company, and numerous other persons, of the right to conduct their business as they thought proper. To this end, those who were engaged in the conspiracy intended to excite the fears of all persons who were engaged in making barrels, or who handled commodities packed in barrels, that, if they did not obey the orders of the associated labor organizations, they would incur the active hostility of all the members of those associations, suffer a great financial loss, and possibly run the risk of sustaining some personal injury. It may be conceded that, when the defendants entered into the combination in question, they had no present intention of resorting to actual violence for the purpose of enforcing their demands; but it is manifest that by concerted action, force of numbers, and by exciting the fears of the timid, they did intend to compel many persons to surrender their freedom of action, and submit to the dictation of others in the management of their private business affairs. Another object of the conspiracy, which was no less harmful, was to deprive the public at large of the advantages to be derived from the use of an invention which was not only designed to diminish the cost of making certain necessary articles, but to lessen the labor of human hands.

While the courts have invariably upheld the right of individuals to form labor organizations for the protection of the interests of the laboring classes, and have denied the power to enjoin the members of such associations from withdrawing peaceably from any service, either singly or in a body, even where such withdrawal involves a breach of contract (*Arthur v. Oaks*, 11 C. C. A., 209, 63 Fed., 310), yet they have very generally condemned those combinations usually termed "boycotts," which are formed for the purpose of interfering, otherwise than by lawful competition, with the business affairs of others, and depriving them, by means of threats and intimidation, of the right to conduct the business in which they happen to be engaged according to the dictates of their own judgments. The right of an individual to carry on his business as he sees fit, and to use such implements or processes of manufacture as he desires to use, provided he follows a lawful avocation, and conducts it in a lawful manner, is entitled to as much consideration as his other personal rights; and the law should afford protection against the efforts of powerful combinations to rob him of that right and coerce his will by intimidating his customers and destroying his patronage. A conspiracy to compel a manufacturer to abandon the use of a valuable invention bears no resemblance to a combination among laborers to withdraw from a given employment as a means of obtaining better pay. Persons engaged in any service have the power, with which a court of equity will not interfere by injunction, to abandon that service, either singly or in a body, if the wages paid or the conditions of employment are not satisfactory; but they have no right to dictate to an employer what kind of implements he shall use, or whom he shall employ. Many courts of the highest character and ability have held that a combination such as the one in ques-

tion is admitted to have been is an unlawful conspiracy, at common law, and that an action will lie to recover the damages which one has sustained as the direct result of such a conspiracy; also, that a suit in equity may be maintained to prevent the persons concerned in such a combination from carrying the same into effect, when the damages would be irreparable, or when such a proceeding is necessary to prevent a multiplicity of suits. The test of the right to sue in equity is whether the combination complained of is so far unlawful that an action at law will lie to recover the damages inflicted, and whether the remedy at law is adequate to redress the wrong. If the remedy at law is for any reason inadequate, resort may be had, as in other cases, to a court of equity. In the case of *Spinning Co. v. Riley*, L. R. 6 Eq., 551, 558, Vice Chancellor Malins held that an injunction was a proper remedy to prevent the officers of a trades union from using placards and advertisements to dissuade laborers from hiring themselves to the spinning company pending a dispute between the latter company and the trades union as wages. The court said:

"That every man is at liberty to induce others, in the words of the act of parliament, 'by persuasion or otherwise,' to enter into a combination to keep up the price of wages, or the like; but directly he enters into a combination which has as its object intimidation or violence, or interfering with the perfect freedom of action of another man, it then becomes an offense, not only at common law, but also an offense punishable by the express enactment of the act 6 Geo. IV., chap. 129. It is clear, therefore, that the printing and publishing of these placards and advertisements by the defendants, admittedly for the purpose of intimidating workmen from entering into the service of the plaintiffs, are unlawful acts, punishable by imprisonment, under Id., chap. 129, and a crime at common law."

In *Temperton v. Russell* [1893] 1 Q. B., 715, the facts appear to have been that a committee representing certain trades unions, for the purpose of enforcing obedience to certain rules that had been adopted by the unions, notified the plaintiff not to supply building materials to a certain firm. He having declined to comply with such request, the committee thereupon induced certain third parties not to enter into further contracts with the plaintiff; such third parties being so induced by threats or representations that the unions would cause their laborers to be withdrawn from their employ in case such further contracts were made. It was held that the plaintiff had a right of action against the members of the committee for maliciously conspiring to injure him by preventing persons from having dealings with him. In delivering the judgment of the court the master of the rolls (Lord Esher) quoted with approval a statement of the law which is found in *Bowen v. Hall*, 6 Q. B. Div., 333, to the effect that where it appears that a defendant has, by persuasion, induced a third party to break his contract with the plaintiff, either for the purpose of injuring the plaintiff, or for the purpose of reaping a personal advantage at the expense of the plaintiff, the act is wrongful and malicious, and therefore actionable. In the case of *State v. Stewart*, 59 Vt., 273, 9 Atl., 559, it was held that a combination entered into for the purpose of preventing or deterring a corporation from taking into its service certain persons whom it desired to employ was an unlawful combination or conspiracy at common law. The court said:

"The principle upon which the cases, English and American, proceed, is that every man has the right to employ his talents, industry, capital as he pleases, free from the dictation of others; and, if two

or more persons combine to coerce his choice in this behalf, it is a criminal conspiracy. The labor and skill of the workmen, be it of high or low degree, the plant of the manufacturer, the equipment of the farmer, the investments of commerce, are all, in equal sense, property. If men, by overt acts of violence, destroy either, they are guilty of crime. The anathemas of a secret organization of men appointed for the purpose of controlling the industry of others by a species of intimidation that work upon the mind, rather than the body, are quite as dangerous, and generally altogether more effective, than acts of actual violence. And, while such conspiracies may give to the individual directly affected by them a private right of action for damages, they at the same time lay the basis for an indictment, on the ground that the State itself is directly concerned in the promotion of all legitimate industries and the development of all its resources, and owes the duty of protection to its citizens engaged in the exercise of their callings."

In *Barr v. Trades Council* (N. J. Ch.), 30 Atl., 881, it appeared that a publisher of a newspaper had determined to use plate matter in making up his paper, whereupon the members of a local typographical union, conceiving their interests to be prejudiced by such action, entered into a combination to compel him to desist from the use of such plate matter. The object of the combination was to be accomplished by the typographical union by a formal call upon all labor organizations with which it was affiliated, and upon all other persons who were in sympathy with it, to boycott the paper, by refusing to buy it or advertise in the same. It was held, in substance, that a person's business is property, which is entitled under the law to protection from unlawful interference, and that the combination in question was illegal, because it contemplated a wrongful interference with the plaintiff's freedom of action in the management of his own affairs. Decisions embodying substantially the same views have been made by many other courts. (*Hilton v. Eckersley*, 6 El. & Bl., 47, 74; *Steamship Co. v. McKenna*, 30 Fed., 48; *Casey v. Typographical Union*, 45 Fed., 135; *Thomas v. Railway Co.*, 62 Fed., 803, 818; *Arthur v. Oakes*, 11 C. O. A., 209, 63 Fed., 310, 321, 322. See, also, *Carew v. Rutherford*, 106 Mass., 1; *Walker v. Cronin*, 107 Mass., 555; *State v. Glidden*, 55 Conn., 46, 8 Atl., 890; *Vegelahn v. Gunter* (Mass.), 44 N. E., 1077.) The cases which seem to be chiefly relied upon as supporting the contention that the combination complained of in the case at bar was lawful, and that the action proposed to be taken in pursuance thereof ought not to be enjoined, are the following: *Mogul S. S. Co. v. McGregor*, 23 Q. B. Div., 598; *Id.* [1892], App. Cas., 25; *Continental Ins. Co. v. Board of Fire Underwriters of the Pacific*, 67 Fed., 310; and *Bohn Mfg. Co. v. Hollis*, 54 Minn., 223, 55 N. W., 1119. In the first of these cases the facts were that the owners of certain steamships, for the purpose of securing all the freight which was shipped at certain ports, and doing a profitable business, had formed an association, and issued a circular to shippers at said ports, agreeing to allow them a certain rebate on freight bills, provided they gave their patronage exclusively to ships belonging to members of the association. The association also prohibited its soliciting agents from acting as agents for other competing lines. A suit having been brought against the members of the association, by a competing shipowner, to recover damages which had been sustained in consequence of the formation and action of the association, it was held that the acts complained of were lawful, the same having been done simply for the purpose of enabling the members of the association to hold and extend their trade; in other words, that the acts

complained of amounted to no more than lawful competition in trade. *Continental Ins. Co. v. Board of Fire Underwriters of the Pacific*, was a case of the same character as the one last considered, and involved an application of the same doctrine. It was held, in substance, that an association of fire underwriters which had been formed under an agreement that provided, among other things, for the regulation of premium rates, the prevention of rebates, compensation of agents, and nonintercourse with companies that were not members of the association, was not an illegal conspiracy, and that the accomplishment of its purpose by lawful means would not be enjoined at the suit of a competing insurance company which was not a member of the association. In the case of *Bohn Mfg. Co. v. Hollis*, it appeared that a large number of retail lumber dealers had formed a voluntary association, by which they mutually agreed that they would not deal with any manufacturer or wholesale dealer who should sell lumber directly to consumers, not dealers, at any point where a member of the association was carrying on a wholesale lumber business, and had provided in their by-laws that, whenever any wholesale dealer or manufacturer made any such sale, the secretary of the association should notify all members of the fact. The plaintiff having made such a sale, and the secretary being on the point of sending a notice of the fact to members of the association, as provided by the by-laws, it was held that the sending of such a notice was not actionable, and that an injunction to restrain the sending of such notice ought not to issue. The decision to this effect was based on the ground that the members of the association might lawfully agree with each other to withdraw their patronage, collectively, for the reasons specified in the agreement, because the members, individually, had the right to determine from whom they would make purchases, and to withdraw their patronage at any time, and for any reason which they deemed adequate. We are not able to concede, however, that it is always the case that what one person may do without rendering himself liable to an action many persons may enter into a combination to do. It has been held in several well-considered cases that the law will sometimes take cognizance of acts done by a combination which would not give rise to a cause of action if committed by a single individual, since there is a power in numbers, when acting in concert, to inflict injury, which does not reside in persons acting separately. (*Steamship Co. v. McGregor* [1892], App. Cas., 24, 25; 1d., 23 Q. B. Div., 598, 616; *Arthur v. Oakes*, 11 C. C. A., 209, 63 Fed., 310, 321; *State v. Glidden*, 55 Conn., 46, 8 Atl., 890.) But if we concede that the reasoning employed in *Manufacturing Co. v. Hollis* was sound, as applied to the facts in that case, yet it by no means follows (and that fact was recognized in the decision) that the members of the association would have had the power to combine for the purpose of compelling other persons, not members of the association, to withhold their patronage from a wholesale dealer who failed to conduct his business in the mode prescribed by the association.

We think it is entirely clear, upon the authorities, that the conduct of which the defendants below were accused can not be justified on the ground that the acts contemplated were legitimate and lawful means to prevent a possible future decline in wages, and to secure employment for a greater number of coopers. No decrease in the rate of wages had been threatened by the *Oxley Stave Company*, and, with one exception, the members of the combination were not in the employ of the plaintiff company. The members of the combination undertook to prescribe the manner in which the plaintiff company should manufacture barrels and

casks, and to enforce obedience to its orders by a species of intimidation which is no less harmful than actual violence, and which usually ends in violence. The combination amounted, therefore, to a conspiracy to wrongfully deprive the plaintiff of its right to manage its business according to the dictates of its own judgment. Aside from the foregoing considerations, the fact can not be overlooked that another object of the conspiracy was to deprive the public at large of the benefits to be derived from a labor-saving machine which seems to have been one of great utility. If a combination to that end is pronounced lawful, it follows, of course, that combinations may be organized for the purpose of preventing the use of harvesters, threshers, steam looms, and printing presses, typesetting machines, sewing machines, and a thousand other inventions which have added immeasurably to the productive power of human labor, and the comfort and welfare of mankind. It results from these views that the injunction was properly awarded, and the order appealed from is accordingly affirmed.

CALDWELL, Circuit Judge (dissenting). To prevent the merits of the case from being misconceived or obscured, it is well to state at the threshold what it does, and what it does not, involve. It involves no question of the obstruction of interstate commerce, or the United States mails, or any other Federal right. The bill does not charge that the defendants violated any law of the State of Kansas or of the United States, or that they threaten to do so, or that they are guilty of any breach of the public peace, or that any violence or injury to person, or to public or to private property, was perpetrated, threatened, contemplated, or feared. To show precisely what the suit does involve, that portion of the bill which states the plaintiff's grounds of complaint is here copied:

"And your orator alleges and charges that the said defendants have combined, confederated, and conspired together to require of your orator to discontinue in its plant and plants the use of said hooping machines, and, upon refusal of your orator so to do, to boycott the product of your orator's said plant and plants; that is to say, to persuade and coerce all other persons to abstain from having any business relations with your orator, or to patronize your orator by purchasing from your orator the said product and output of your orator's said plants, or from being customers of your orator, or from buying anything from your orator, or sustaining any business relations to your orator, and to so induce, persuade, and coerce all persons to discontinue all dealings with your orator, if your orator shall refuse to comply with the said request and demand of the said defendants, and to exclude your orator from business relations with the public, and to practically break up, suspend, and ruin your orator's business, if your orator shall refuse to accede to the said demand of said conspirators; and the said defendants have so conspired as aforesaid, and to accomplish said conspiracy, by serving notice upon all persons engaged in any business, of a kind in which the product and output of your orator's plant are used, not to patronize your orator, upon pain of withdrawal of patronage from such persons of said conspirators, and of various members of their said organizations, and of all affiliated and sympathizing kindred organizations, and that said conspirators, and those associated with, related to, and subject to the control of, said conspirators consist of a vast body of people, the number of which is unknown to your orator, in all of the great commercial and trade centers of this and other countries, and possess great power, and are able to, and if unchecked will, do to your orator great damage and injury."

The ground upon which the jurisdiction in equity is rested is that the defendants are, in the language of the opinion of the court, "persons of small means." It will be observed that the bill alleges specifically how the "boycott" was to be conducted, and also how the "conspiracy" was to be accomplished, and that force, threats, or violence is not an element either of the boycott or the alleged conspiracy. Any contention that the defendants meditated violence is silenced by the statement in the brief of the plaintiff's attorney that "it is fair to presume, from the resolution and other testimony, that the defendants were determined to use all means, short of violence, to make the proscription effective." The material part of the answer of the Coopers' International Union appears in the affidavit of its president, and is as follows:

"That about a year and a half prior to the commencement of this action the complainant company commenced to operate certain hooping machines (i. e., machines for cutting hoop locks in, and putting wooply hoops upon, tierces and barrels); that said machines were attended to, and operated by, child labor in said shop (in many instances by children under the age of fourteen years), and that in the operation of said machines the said children were constantly exposed to serious injury, by reason of tender years, inexperience, and the manner of the operation of said machines; that the tierces or barrels hooped by these machines were of an inferior quality, and the said lock, and the manner of locking the hoops thereon, being of such a construction that the said tierces and barrels were unable and unsuitable for the purpose of handling and holding for transportation the products of the packing houses and various other manufacturers—a fact that was recognized and well known by many of the packing concerns in and about Wyandotte County, Kans. Affiant further says that during the time of his employment by the complainant company there has been returned to said company, as defective and unfit for use, as high as forty-seven out of a shipment of fifty machine-made barrels, and that the percentage of machine-hooped barrels returned to the complainant company as defective was, of an average, ten times as many as returned from the hand-hooped shipments, even though the complainant company employed and retained a large number of unskillful and inefficient men, engaged in hooping barrels and tierces, which said men were not members of said Coopers' Union, and, by reason of their inefficiency, could not become members thereof; that, by reason of the unworkmanlike and defective barrels manufactured and turned out by the said machines, the wages and compensation of the aforesaid journeymen coopers employed in the cooperage establishments of Wyandotte County, Kans., were threatened to be materially lowered and reduced, in this, to wit: that in the use of said machines in connection with child labor the said complainant company were enabled to, and did, discharge (throw out of employment) a large number of competent and efficient journeymen coopers, citizens of the State of Missouri, and citizens of the State of Kansas, and members of the said Coopers' Union, and that thereafter the said Coopers' Union was informed by some, if not all, of the various cooperage establishments in Wyandotte County, Kans., that unless the complainant company ceased to operate said machines, and to flood the market with the cheap and inferior tierces and barrels, they would be obliged to reduce the wages and compensation paid by them to journeymen coopers employed in their various plants, and that one cooperage establishment did reduce the price and compensation of said journeymen coopers, and also threatened the said journeymen coopers belonging to said Coopers' Union with

discharge unless the said output and competition of the cheap and inferior product be taken out of the market; * * * that at no time during the said controversy between said Coopers' Union and said Trades Assembly and the said complainant company has there been any violence threatened or contemplated, and that at no time during said period has there been any unlawful interference with the business of the said complainant company, or has any unlawful interference been threatened; that it is the intention of the said Coopers' Union and Trades Assembly, in case the said complainant company insists upon the use of said machines, and the consequent deprivation of the workingmen, members of said Coopers' Union, of their means of livelihood, that they will request (without in any manner threatening violence, or without making any demonstration of force, and without the use of violence, force, or any coercion of any kind) the cooperation of their fellow-workingmen in refusing to purchase or use commodities packed in said defective tierces and barrels manufactured by machinery and child labor; * * * that the action of the said Coopers' Union and said Trades Assembly are simply acts of business competition, opposing the said complainant company, together with all other persons manufacturing wooden, machine-hooped tierces and barrels, and their attempt to use and foist upon the public, machine and child-labor manufactured barrels and tierces; and assisting the said workingmen in securing and protecting their wages and their source of livelihood."

These excerpts from the pleadings accurately present the issues between the parties. In the plaintiff's bill, and the court's opinion, the words, "conspiracy," "threats," and "coerce," are freely used. Indeed, the plaintiff's case is made to rest upon the use of these terms. It is important, therefore, at the threshold, to inquire what is meant by the use of these legal epithets in this case. Unexplained, they have an evil import. A conspiracy is defined to be:

"A combination of persons for an evil purpose; an agreement between two or more persons to do in concert something reprehensible, and injurious or illegal; particularly, a combination to commit treason or excite sedition or insurrection; a plot; concerted treason." (Cent. Dict.)

From the earliest times the word has been used to denote a highly criminal or evil purpose. Thus, in Acts xxiii, 12, 13, it is said:

"And, when it was day, certain of the Jews banded together, and bound themselves under a curse, saying that they would neither eat nor drink till they had killed Paul. And they were more than forty which had made this conspiracy."

Plainly, nothing the defendants did, or are charged with intending to do, comes within this definition of a conspiracy. So as to "threats." In the common acceptation, a threat means the declaration of a purpose to commit a crime or some wrongful act. Now, what the defendants did, and all they did, is explicitly testified to by Mr. Cable, the president of the Coopers' International Union. He says that the Coopers' Union gave complainant notice—

"That unless their use of said machines, and competition of the inferior tierces and barrels with the hand-hooped barrels of the journeymen coopers, members of said association, should cease on or before January 15, 1896, that a boycott would be declared by said Coopers' Union upon the contents of the tierces and barrels hooped by the hooping machines in Wyandotte County, Kans.; meaning thereby that the members of said Coopers' Union, and of its parent association, the Trades Assem-

bly, would thereafter cease to purchase or use any commodities that were packed in machine-hooped tierces and barrels."

Many other witnesses testified to the same effect, and there is no testimony to the contrary. The "conspiracy" charged upon the defendants consisted, then, in the Coopers' Union and the Trades Assembly agreeing not "to purchase or use any commodities that were packed in machine-hooped tierces and barrels, which came in competition with the hand hooped barrels," which were the product of their labor (and the bill charges no more); and the "threats" consisted in giving the complainant and certain packing houses formal notice of this purpose. The alleged "conspiracy," therefore, was the agreement stated, and the alleged "threats" were the notice given by that agreement, and the "coercion" was the effect that this agreement and notice had on the minds of those affected by them. It is not true that there is nothing in a name. When for "conspiracy" we substitute "agreement," and for "threats" a "notice," the whole fabric of the plaintiff's case falls to the ground. "There are," says Dr. Lieber (*Civil Liberty and Government*), "psychological processes which indicate suspicious intentions;" and among them is the use of high-sounding and portentous terms, from which much may be implied or imagined, instead of using plain and common words, which accurately describe the action, and leave nothing to implication or imagination. If an act done or threatened to be done is lawful, it can not be made unlawful by giving it a name which imports an illegal act. Names are not things. It is the thing done or threatened to be done that determines the quality of the act, and this quality is not changed by applying to the act an opprobrious name or epithet. Unless the definition of a word fits the act, the definition is false, as applied to that act. "Conspiracy" sounds portentous, but in this instance its sound is more than its meaning. As here used, it describes a perfectly innocent act—as much so as if the charge was that the defendants "conspired" to feed a starving comrade, or to bury a dead one. But if the bill charged, and the proof showed, that a breach of the peace was imminent, that fact would not confer jurisdiction on a court of chancery. Courts of equity have no jurisdiction to enforce the criminal laws. It is very certain that a federal court of chancery can not exercise the police powers of the State of Kansas, and take upon itself either to enjoin or to punish the violation of the criminal laws of that State. It is said by those who defend the assumption of this jurisdiction by the Federal courts that it is a swifter and speedier mode of dealing with those who violate or threaten to violate the laws than by the prescribed and customary method of proceeding in courts of law; that it is a "short cut" to the accomplishment of the desired object; that it avoids the delay and uncertainty incident to a jury trial, occasions less expense, and insures a speedier punishment. All this may be conceded to be true. But the logical difficulty with this reasoning is that it confers jurisdiction on the mob equally with the chancellor. Those who justify or excuse mob law do it upon the ground that the administration of criminal justice in the courts is slow and expensive, and the results sometimes unsatisfactory. It can make little difference to the victims of short-cut and unconstitutional methods, whether it is the mob or the chancellor that deprives them of their constitutional rights. It is vain to disguise the fact that this desire for a short cut originates in the feeling of hostility to trial by jury—a mode of trial which has never been popular with the aristocracy of wealth, or the corporations and trusts. A distrust of the jury is a distrust of the people, and a distrust of the people

means the overthrow of the government our fathers founded. Against the exercise of this jurisdiction the Constitution of the United States interposes an insurmountable barrier. In that masterly statement of the grievances of our forefathers against the government of King George, and which they esteemed sufficient to justify armed revolution, are these: "He has combined with others to subject us to a jurisdiction foreign to our constitution and unacknowledged by our laws;" and "For depriving us in many cases of the benefit of trial by jury." Smarting under these grievances, the people of the United States, under the lead of Mr. Jefferson, were extremely careful to place it beyond the power of any department of the Government to subject any citizen "to a jurisdiction foreign to our constitution and unacknowledged by our laws," or to deprive any citizen "of the benefit of trial by jury." This was accomplished by inserting in the Constitution of the United States these plain and unambiguous provisions:

"The trial of all crimes, except in cases of impeachment, shall be by jury." (Const., art. 3.) "No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger." (Const. Amend., art. 5.) "In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury. * * *" (Id., art. 6.) "In suits at common law where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved." (Id., art. 7.)

These mandatory provisions of the Constitution are not obsolete, and are not to be nullified by mustering against them a little horde of equity maxims and obsolete precedents originating in a monarchical government having no written constitution. No reasoning and no precedents can avail to deprive the citizen accused of crime of his right to a jury trial, guarantied to him by the provisions of the Constitution, "except in cases arising in the land and naval forces, or in the militia when in actual service in time of war or of public danger." These exceptions serve to emphasize the right, and to show that it is absolute and unqualified, both in criminal and civil suits, save in the excepted cases. These constitutional guaranties are not to be swept aside by an equitable invention which would turn crime into a contempt, and enable a judge to declare innocent acts crimes, and punish them at his discretion. But notwithstanding the Constitution expressly enumerates the only exceptions to the right of trial by jury, and positively limits those exceptions to the cases mentioned, those who favor government by injunction propose to ingraft upon that instrument numerous other exceptions which would deprive the great body of the citizens of the republic of their constitutional right of trial by jury. With the interpolations essential to support government by injunction, the Constitution would contain the following further exceptions to the right of trial by jury:

"And except when many persons are associated together for a common purpose, and except in the case of members of trades unions, and other labor organizations, and except in cases of all persons 'of small means.'"

Undoubtedly, it is the right of the people to alter or abolish their existing government, "and," in the language of the Declaration of Independence, "to institute a new government, laying its foundations on such principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness." It is com-

petent for the people of this country to abolish trial by jury, and confer the entire police powers of the state and nation on Federal judges, to be administered through the agency of injunctions and punishment for contempts; but the power to do this resides with the whole people, and it is to be exercised in the mode provided by the Constitution. It can not be done by the insidious encroachments of any department of the Government. Our ancestors, admonished by the lessons taught by English history, saw plainly that the right of trial by jury was absolutely essential to preserve the rights and liberties of the people, and it was the knowledge of this fact that caused them to insert in the Constitution the peremptory and mandatory provisions on the subject which we have quoted. English history is replete with examples showing that the king and his dependent and servile judges would have subverted the rights and liberties of the English people, but for the good sense and patriotism of English juries. It is to the verdicts of the juries, and not to the opinions of the judges, that the English people are chiefly indebted for some of their most precious rights and liberties. A brief reference to one or two of the many cases will serve to illustrate this truth, and show why a trial by jury is the only sure and safe refuge the citizen has for his rights and liberties:

William Penn and William Mead were Quaker preachers. Their religious faith was offensive to the king, and to his judges and the governing class. The Quaker meeting house having been closed against them, the congregation assembled, in that quiet and orderly manner characteristic of Quakers, in an open place near their meeting house, where Penn was preaching to them, when they were set upon by the police and violently dispersed. For this Penn and Mead, and not the police who created the disturbance, were indicted. The indictment charged:

"That by agreement between him [Penn] and William Mead before made, and by abetment of the aforesaid William Mead, then and there, in the open street, did take upon himself to preach and speak, and then and there did preach and speak unto the aforesaid William Mead and other persons."

The indictment, like the complaint in this case, bristled with charges of conspiracy, unlawful assembly, etc. Penn, being denied counsel, was compelled to defend himself. When arraigned, he pleaded "Not guilty," and the following, among other, proceedings took place in court during his trial:

"Penn: I affirm I have broken no law, nor am I guilty of the indictment that is laid to my charge; and to the end the bench, the jury, and myself, with these that hear us, may have a more direct understanding of this procedure, I desire you would let me know by what law it is you prosecute me, and upon what law you ground my indictment. Rec.: Upon the common law. Penn: Where is that common law? Rec.: You must not think that I am able to run up so many years, and over so many adjudged cases, which we call 'common law,' to answer your curiosity. Penn: This answer, I am sure, is very short of my question; for, if it be common, it should not be so hard to produce. * * *

Despite much browbeating from the court, Penn continued to demand of the court to be shown the law that made it a crime for him to preach, and for his congregation to assemble to hear him. Finally the court ordered the bailiff to:

"Take him away. Take him away. Turn him into the bail dock." Continuing his defense, Penn said:

"Must I therefore be taken away because I plead for the fundamental

laws of England? However, this I leave upon your consciences, who are of the jury, and my sole judges—that if these ancient fundamental laws, which relate to liberty and property, and are not limited to particular persuasions in matters of religion, must not be indispensably maintained and observed, who can say he hath right to the coat upon his back?”

Despite the peremptory charge of the court to find Penn guilty of the alleged “conspiracy” and “unlawful and tumultuous assembly,” the jury returned a verdict of “guilty of preaching only.” At this the court fell into a passion, browbeat the jury, particularly their foreman, Bushel, and sent them out to return a general verdict of guilty. This the jury refused to do, and, after being sent out three or four times, they returned a general verdict of not guilty, whereupon they were fined for contempt of court in rendering the verdict contrary to its instructions and to its interpretation of the facts. (6 How. State Tr., 951.) But the jurors asserted their right to render a verdict in accordance with the dictates of their own consciences and judgments, and the court to which they appealed held that they had that right, and could not be punished for exercising it, and reversed the fine. The Penn Case, and the proceedings that grew out of it, constitute one of the foundation stones in the English bill of rights. With all their astuteness and eager desire to serve the crown, it never occurred to the judges in those days to enjoin the Quakers from meeting, and Penn from preaching to them. This “short cut” would have gotten rid of the jury, and placed Penn and his followers completely in the power of the judges; and, instead of becoming the founder of a great city and commonwealth in a free republic, he would have languished in an English prison for contempt of court, incurred by preaching to his congregation, for he avowed in court “that all the powers upon earth” could not divert or restrain him from that duty.

A bookseller, whose publications contained criticisms on the administration of public affairs, was indicted for publishing a seditious libel. He was tried before the chief justice. “In vain,” says an authentic history, “did Lord Ellenborough, uniting the authority of the judge with the arts of the counsel, strive for a conviction. Addressing the jury, he said, ‘Under the authority of the libel act, and still more in obedience to his conscience and his God, he pronounced this to be a most infamous and profane libel.’ But the jury were proof against his authority and his persuasion.” (2 May, Const. Hist. Eng.) They returned a verdict of not guilty, thus vindicating the freedom of the press, and the right to criticise the administration of public affairs.

Seven bishops presented a respectful petition to the king, praying for the enforcement of the laws of the kingdom, and for a redress of grievances. For this they were indicted for libel. It is worth while to note the charge of the judges to the jury. The chief justice said: “And I must, in short, give you my opinion: I do take it to be a libel.” And Justice Allibone said to the jury: “Then I lay this down for my next position: That no private man can take upon him to write concerning the Government at all; for what has any private man to do with the Government, if his interest be not stirred or shaken?” and much more to the same effect. After receiving this charge, the jury, says Lord Campbell, “were marched off in the custody of a bailiff, who was sworn not to let them have meat or drink, fire or candle, until they were agreed upon their verdict. All night were they shut up; Mr. Arnold, the king’s brewer, standing out for a conviction until six next morning, when, though dreadfully exhausted, he was thus addressed by a brother jurymen: ‘Look at me. I am the biggest and

strongest of the twelve; but, before I find such a petition as this a libel, why, I will stay until I am no bigger than a tobacco pipe.' The court sat again at ten the next morning, when the verdict of not guilty was pronounced, and a shout of joy was raised, which was soon reverberated from the remotest parts of the kingdom." (2 Camp. Ch. Jus., 111.)

Cases similar to these might be multiplied indefinitely, but enough have been cited to show that it was through the good sense, courage, and love of liberty of the sturdy English juries who stood out against the judges that the right of the people to assemble for lawful purposes, and the right to address them when they were assembled, the right of free speech, and the freedom of the press, and the right of petition for the redress of grievances, were secured to the English people. It is profitable to recur occasionally to these historic cases. They shed light on the action of the framers of our Constitution, and explain their resolute and determined purpose to secure to the people of this country the right of trial by jury, against encroachments or invasion from any quarter or upon any pretext, or by any device whatsoever. The framers of the Constitution knew that it was not enough that "the rights of man be printed, and that every citizen have a copy." The rights and liberties guaranteed to the people by the Constitution would avail them nothing unless they were constantly and carefully guarded from invasion and encroachment from any quarter. They had formed a "government of the people, by the people, for the people," and they committed the protection and defense of the rights of the people under that government to the only agency that could be trusted—to a jury of the people. They put the rights and liberties of the people in the keeping of the people themselves. The king of England, when a petition was presented to him, reciting his encroachments on the rights and liberties of his subjects, and praying for a redress of grievances, returned for answer that "the king's prerogative is to defend the people's liberties." The assurance was not comforting, and brought no relief. Our fathers invested the prerogative of maintaining and defending the people's rights and liberties in the people themselves—in a jury. English judges of great learning and ability had sided with the crown and the aristocratic classes in oppressing the people, and denying them those rights and liberties to which they had an undoubted right by natural law, as well as under their charters of liberty. This denial had been, in a large measure, rendered nugatory by the firm stand for liberty taken by English juries. "History repeats itself." This maxim was not lost on the framers of our Constitution. They intended to, and did, interpose an insuperable barrier to the loss of, or the impingement upon, the rights and liberties of the people, by the same agencies that vexed our English ancestors. That insuperable barrier was trial by jury. In this country the right of wage-earners and others to associate together and act collectively is not a boon granted by the Government. It is not derived from the Constitution, statutes, or judicial decisions. It antedates the Constitution. It is a natural and inherent right. It is the natural weapon of weakness. Its only enemies are despots, and those who would oppress the weak in the absence of the protection afforded them by organization and combined action. This right of men to combine together for lawful purposes necessarily carries with it the right of combined action. Of what utility is organization without the right of collective action? Collective action is implied in the very term "organization." Organization has no other object. Man, by nature,

is a social being. Association and collective action, by those having common interests, for their protection and material, moral, and mental improvement, is a natural instinct. The British Parliament, whose power of legislation is unrestrained, and the English courts, in the beginning of the struggle between capital and labor, supposed that they could successfully and permanently suppress this instinct; but, happily for mankind, the natural rights of man and the laws of nature proved more powerful and enduring than the acts of Parliament and the judgments of courts. The association of men for combined action was declared to be a conspiracy. The wages of laborers were fixed by acts of Parliament, and it was made a crime for a laborer to refuse to work for the statutory wages, or to demand an increase of wages, or to quit the service of his employer. These acts were rigorously enforced by the courts, and their spirit found expression in the judgments of the courts long after their repeal. The courts did more, however, than simply enforce the acts of Parliament. They supplemented them by laws decreed by themselves—judge-made laws—among which was the one relied on by the majority of the court to convict the defendants in this case of a conspiracy. This invention of the judges was the most effective rule ever devised by the enemies of liberty to deprive men of the natural right of association and cooperation, and to place them completely at the mercy of despotic power, and those whose interest it was to oppress them. Referring to the case of *Bohn Mfg. Co. v. Hollis* (a case which fully supports the contention of the defendants), the majority of the court say:

“The decision to this effect was placed on the ground that members of the association might lawfully agree with each other to withdraw their patronage, collectively, for the reasons specified in the agreement, because the members, individually, had the right to determine from whom they would make purchases, and withdraw their patronage at any time, and for any reason which they deemed adequate. It is not always the case, however, that what one person may do, without rendering himself liable to an action, many persons may enter into a combination to do. There is a power in numbers, when acting in concert, to inflict injury, which does not reside in a single individual; and for that reason the law will sometimes take cognizance of acts done by a combination, when it will not do so when committed by a single individual.”

The proposition here approved by the court, and relied on to weaken the authority of the *Bohn Mfg. Co.* Case, first emanated from an English court. (*Rex v. Journeymen Tailors*, 8 Mod., 11.) As laid down in that case, the formula reads:

“A conspiracy of any kind is illegal, although the matter about which they conspired might have been lawful for them, or any of them, to do, if they had not conspired to do it.”

This proposition, that it is unlawful for men to do collectively what they may do, without wrong, individually, was enunciated more than a century and a half ago, when all manner of association and cooperation among men, offensive to the king, or not in the interest of despotic power or the ruling classes, or not approved by the judges, were declared by the courts to be criminal conspiracies. It was promulgated at a time “when,” in the language of Mr. Justice Harlan in his opinion in *Robertson v. Baldwin*, 165 U. S., 288, 17 Sup. Ct., 333, “no account was taken of a man as man, when human life and human liberty were regarded as of little value, and when the powers of government were employed to gratify the ambition and pleasure of despotic rulers, rather

than promote the welfare of the people," and when laborers had no rights their employers or the courts were bound to respect. The idea of the power of men in association has always been abhorrent to despots, and to those who wish to oppress their fellow-men, because its free exercise is fatal to despotism and oppression. The strength it imparts carries its own protection. In all ages those who seek to deprive the people of their rights justify their action by ancient and obsolete precedents, and by coining definitions suited to their ends. In "that codeless myriad of precedent," running back to the Dark Ages called the "Common Law," it is not difficult to find a precedent for inflicting any injustice or oppression on the common people. But these precedents, so shocking to our sense of right, so inimical to our Constitution and social and economic conditions, and so subversive of the liberty of men, should be permitted to sleep in profound oblivion. They neither justify nor palliate encroachments on the natural and constitutional rights of the citizens. Under this asserted rule, what a man, when acting singly, may lawfully do, he may not do in concert with his neighbor. What all men may lawfully do, acting singly, it is unlawful for any two or more of them to do, acting in concert or by agreement. What each individual member of a labor organization may lawfully do, acting singly, becomes an unlawful conspiracy when done by them collectively. Singly, they may boycott; collectively, they can not. The individual boycott is lawful, because it can accomplish little or nothing. The collective boycott is unlawful, because it might accomplish something. People can only free themselves from oppression by organized force. No people could gain or maintain their rights or liberties, acting singly, and any class of citizens in the state subject to unjust burdens or oppression can only gain relief by combined action. All great things are done, and all great improvement in social conditions achieved, by the organization and collective action of men. It was the recognition of these truths that prompted the promulgation of the proposition we are discussing. The doctrine compels every man to be a stranger in action to every other man. This is contrary to the Constitution and genius of our Government. It is a doctrine abhorrent to freemen. It is in hostility to a law of man's nature, which prompts him to associate with his fellows for his protection, defense, and improvement. Under its operation every religious, political, or social organization in the country may be enjoined from combined action, if their religious faith or political creed or practice is obnoxious to the judge. It was originally designed for this very purpose. In his opinion in the case of *Vegeahn v. Guntner* (Mass.), 44 N. E., 1081, Judge Holmes says:

"So far, I suppose, we are agreed. But there is a notion, which latterly has been insisted on a good deal, that a combination of persons to do what any one of them lawfully might do by himself will make the otherwise lawful conduct unlawful. It would be rash to say that some as yet unformulated truth may not be hidden under this proposition. But, in the general form in which it has been presented and accepted by many courts, I think it plainly untrue, both on authority and principle. (*Com. v. Hunt*, 4 Metc. (Mass.), 111; *Randall v. Hazleton*, 12 Allen, 412, 414.) There was a combination of the most flagrant and dominant kind in *Bowen v. Matheson* [14 Allen, 502], and in the *Steamship Co. Case*, and combination was essential to the success achieved. But it is not necessary to cite cases. It is plain, from the slightest consideration of practical affairs, or the most superficial reading of industrial history, that free competition means combination, and that the organization of the world, now going on so fast, means an

ever-increasing might and scope of combination. It seems to me futile to set our faces against this tendency. Whether beneficial on the whole, as I think it, or detrimental, it is inevitable, unless the fundamental axioms of society, and even the fundamental conditions of life, are to be changed. One of the eternal conflicts out of which life is made up is that between the effort of every man to get the most he can for his services, and that of society, disguised under the name of 'capital,' to get his services for the least possible return. Combination on the one side is potent and powerful. Combination on the other is the necessary and desirable counterpart, if the battle is to be carried on in a fair and equal way. I am unable to reconcile *Temperton v. Russell* [1893], 1 Q. B., 715, and the cases which follow it, with the *Steamship Co. Case*. But *Temperton v. Russell* is not a binding authority here, and therefore I do not think it necessary to discuss it. If it be true that workmen may combine with a view, among other things, to getting as much as they can for their labor, just as capital may combine with a view to getting the greatest possible return, it must be true that, when combined, they have the same liberty that combined capital has, to support their interests by argument, persuasion, and the bestowal or refusal of those advantages which they otherwise lawfully control."

The asserted rule has no boundaries or limitations other than the chancellor's discretion. Whatever combined action he wills to permit is lawful. Whatever combined action he wills to prevent is a conspiracy. In this country the right of associate and combined action hangs on no such slender thread. But it is said that chancellors should exercise great caution and circumspection in the application of this rule. But this still leaves the right of combined action dependent on the discretion of a chancellor. Thus far they have exercised great discretion, and applied it to combined action of labor organizations only. A careful student of social and economical questions of the day, and of the status of the labor movements in England, says:

"A growth in civil rights on the part of the mass of citizens has attended the labor movement in England from the beginning until now. Workmen are no longer compelled or expected to act without counsel and without concert. They hold a yearly congress, whose object it is to consult on current questions, to watch their legislation, and to urge the measures they desire. The statute book has thus been rewritten in England, with a wide and just regard for the interest of the workman. The fundamental principles of commercial law have taken on new renderings, and accepted new assertions of right. The action of trade unions in demanding better terms, or even a boycott to secure these terms, is no longer a conspiracy in restriction of trade. These methods have won civil acceptance, and gotten to themselves social and moral forces in each instance according to their merit. They seem to be great means of social renovation, which anticipate and prevent revolution. That marvelous political history by which England has won her liberty is repeating itself in her social institutions. Combination is freely accepted. The principle is recognized—a principle fundamental in social renovation—that men may do collectively, without wrong, what they may do without wrong individually." (Bascom on Social Facts and Principles, 237.)

While laborers, by the application to them of the doctrine we are considering, are reduced to individual action, it is not so with the forces arrayed against them. A corporation is an association of individuals for combined action; trusts are corporations combined together for the

very purpose of collective action and boycotting; and capital, which is the product of labor, is in itself a powerful collective force. Indeed, according to this supposed rule, every corporation and trust in the country is an unlawful combination; for while its business may be of a kind that its individual members, each acting for himself, might lawfully conduct, the moment they enter into a combination to do that same thing by their combined effort the combination becomes an unlawful conspiracy. But the rule is never so applied. Corporations and trusts, and other combinations of individuals and aggregations of capital, extend themselves right and left through the entire community, boycotting and inflicting "irreparable damage" upon, and crushing out, all small dealers and producers, stifling competition, establishing monopolies, reducing the wages of the laborer, raising the price of the food on every man's table, and of the clothes on his back, and of the house that shelters him, and inflicting on the wage earners the pains and penalties of the lockout and the blacklist, and denying to them the right of association and combined action, by refusing employment to those who are members of labor organizations; and all these things are justified as a legitimate result of the evolution of industries resulting from new social and economic conditions, and of the right of every man to carry on his business as he sees fit, and of lawful competition. On the other hand, when laborers combine to maintain or raise their wages, or otherwise to better their condition, or to protect themselves from oppression, or to attempt to overcome competition with their labor or the products of their labor, in order that they may continue to have employment and live, their action, however open, peaceful, and orderly, is branded as a "conspiracy." What is "competition" when done by capital is "conspiracy" when done by the laborers. No amount of verbal dexterity can conceal or justify this glaring discrimination. If the vast aggregation and collective action of capital is not accompanied by a corresponding organization and collective action of labor, capital will speedily become proprietor of the wage earners, as well as the recipient of the profits of their labor. This result can only be averted by some sort of organization that will secure the collective action of laborers. This is demanded, not in the interest of wage earners alone, but by the highest considerations of public policy. In the suggestions on the rights of organized labor submitted by Mr. Olney, Attorney General of the United States, as *amicus curie* to the court, in the case of *Platt v. Railroad Co.* (November, 1894), 65 Fed., 660, he said:

"Whatever else may remain for future determination, it must now be regarded as substantially settled that the mass of wage earners can no longer be dealt with by capital as so many isolated units. The time is past when the individual workman is called upon to pit his single, feeble strength against the might of organized capital."

And, speaking of the restrictions imposed upon laborers by the courts, he said:

"They can not help knowing that organized capital is not so restricted. And, when treatment so apparently unfair and discriminating is administered through the instrumentality of a court, the resulting discontent and resentment of employees are inevitably intensified, because the law itself seems to have got wrong, and in some unaccountable manner to have taken sides against them."

A conspiracy is defined to be "any combination between two or more persons to accomplish an unlawful purpose, or a lawful purpose by unlawful means." Let the defendants' action be tested by this rule. Their purpose was to drive the plaintiff's barrels out of the market, by

giving preference to the barrels produced by their labor, and this purpose was to be accomplished by means of the coopers' and trades' unions everywhere refusing to buy the barrels manufactured by the plaintiff, or any of the commodities packed in them by any one. Divested of the legal epithets and verbiage, this is precisely what the defendants propose to do, and all they propose to do. And it is this the court has enjoined them from doing. They are enjoined from refusing to buy the barrels, and the commodities packed in the same. If the defendants are not allowed to determine for themselves what they will not buy, they ought not to be allowed to determine what they will buy; and the court's guardianship should go a step further, and tell them what to buy. If the court can enjoin the defendants from withdrawing their patronage and support from the plaintiff, and persuading others to do the same, it is not perceived why it can not, by a mandatory injunction, make it obligatory upon the defendants to purchase the plaintiff's barrels and their contents, and persuade others to do the same. The invasion of the natural rights and personal liberty of the defendants would be no greater in the one case than in the other. The plaintiff has an undoubted right to hoop its barrels in any mode it sees fit, and the defendants have an undoubted right to refuse to purchase them, or the commodities packed in them, no matter how they are hooped. These are the business rights of the parties, and the exercise of its business right by one party is not an interference with the business right of the other. The defendants' declared purpose not to purchase commodities packed in barrels made by the plaintiff is not an illegal interference with its business, because it is not a business right of the plaintiff to require the defendants to purchase such commodities or to refrain from proclaiming their resolution not to purchase them. In a word, it is none of the plaintiff's business out of whose make of barrels the defendants purchase their meats and other supplies. It is said in the opinion of the court that those persons who did not discontinue the use of the complainant's barrels and the commodities packed in them would "possibly run the risk of sustaining some personal injury." The suggestion is not warranted by any averment in the bill, nor is there a scintilla of evidence in the record to justify it. It does the defendants great injustice. No men could go about a business in a more peaceable, orderly, and law-abiding manner than did these defendants. A rigid purpose of order and keeping the peace presided over all their plans. Their sole purpose was a resolute business nonintercourse. It is, of course, possible for every man to inflict some personal injury on another. That can be predicated of all men, and, if this possibility is a ground for injunction, then every man, including the members of this court, should be enjoined from injuring every other man. If this is a sufficient ground for an injunction, a Federal judge can, at his pleasure, slip an injunction noose over every neck in the Republic. But an injunction is not granted "except with reference to what there is reason to expect in its absence." To enjoin law-abiding men from breaking the law, because it is in their power to break it, is to confound all distinction between the law-abiding man and the lawbreaker. The court say, "No decrease in the rate of wages had been threatened by the Oxley Stave Company." But such reduction of wages was threatened by all the other cooperage establishments. Mr. Cable testifies that the members of the Coopers' Union were notified by "the various cooperage establishments in Wyandotte County, Kans., that unless the complainant company ceased to operate said machines, and to flood the market with the cheap and inferior tierces and barrels, they would be obliged to

reduce the wages and compensation paid by them to journeymen coopers employed in their various plants, and that one cooperage establishment did reduce the price and compensation of said journeymen coopers, and also threatened the said journeymen coopers belonging to said Coopers' Union with discharge unless the said output and competition of the cheap and inferior product be taken out of the market." Mr. Butler testifies "that the effect of the said action of the complainant company has already caused threats to be made of a large reduction of the wages of journeymen coopers employed in the cooperage plants in Wyandotte County, Kans.;" that other cooperage firms have notified their employees "that if the complainant company continued to operate said machines, and continued to place upon the market a cheap and inferior product in competition with the hand-made products of other plants, the said employees must expect a reduction in their wages, or a discharge from their employment." Moreover, independently of this direct testimony, it is obvious that, if the plaintiff's barrels drove out of the market the hand-hooped barrels, all coopers engaged in that branch of the work would lose their employment, and that the plaintiff would eagerly avail itself of any reduction in the wages of coopers by other cooperage establishments. The court further remarks, " * * * With one exception, the members of the combination were not in the employ of the plaintiff company." The very object of labor organizations is to impart to every laborer the strength of all. A great nation will go to war to maintain the rights of its humblest citizen. A nation that would not do this would justly lose the respect of every other nation, and soon no respect would be paid to the rights of its citizens. The cause of one laborer is the cause of all laborers. Organized labor must give to each of its members its collective force and influence, else they will fall, one by one, a sacrifice to the greed of their employers. If labor organizations did not have the right to protect and defend the interests of their members, individually as well as collectively, they would be of no utility, and would soon come under abject submission to capital, which grants nothing of fundamental value to wage earners which it is not coerced to grant by the combined power of the labor organizations, or legislation brought about usually through their influence.

It will appear from a critical examination of the cases cited in support of the court's conclusion that the facts in each one of them entitled to respectful consideration as a precedent are widely different from the facts in this case. In every one of them having any close analogy to the case at bar, there was the element of violence, or threats of violence, or actual trespass upon the person or property, or the threat of it, or some display of physical force, or action which was held to constitute a trespass or implied threat. No one of these elements is found in this case. It is simply and purely a case where the labor organizations resolved that they would not purchase or use the barrels manufactured by the complainant, or any commodities packed therein. This they had an absolute right to do, without regard to the question how the complainant's barrels were manufactured, or whether they were inferior to, or better than, the hand-hooped barrels produced by the labor of the defendants. The grounds of the boycott are wholly immaterial, in determining the right to boycott. Whether organized labor has just grounds to declare a strike or boycott, is not a judicial question. These are labor's only weapons, and they are lawful and legitimate weapons; and so long as in their use there is no force or threats of violence, or trespass upon person or property, their use can not be restrained.

Laborers are not wards of chancery. A court of chancery has no more authority to interfere with labor organizations, in the conduct of their business, than it has to interfere with the business of corporations and trusts, and other combinations of capital, in the conduct of their business; and in the case of a strike or boycott, as long as each side is orderly and peaceful, they must be permitted to terminate their struggle in their own way, without extending to one party the adventitious aid of an injunction.

Something is said about its being against public policy to boycott articles made by machinery. As before said, it is immaterial whether an article is produced by hand labor or machinery. Products produced by machinery are no more exempt from competition and a boycott than the products of hand labor. The products of machines stand on no higher plane, in law or equity, than the like products produced by the labor of man. They may be put in competition with each other, and that competition may be prosecuted precisely as was done in this case.

There are numerous authorities supporting the views of the minority—many of them going far beyond the requirements of this case: *Reynolds v. Everett*, 144 N. Y., 189, 39 N. E., 72; *Sinsheimer v. Garment Workers*, 77 Hun, 215, 28 N. Y. Supp., 321; *Com. v. Hunt*, 4 Metc. (Mass.), 111; *Randall v. Hazelton*, 12 Allen, 412, 414; *Publishing Co. v. Howell* (Or.) 38 Pac., 547; *Bowen v. Matheson*, 14 Allen, 502; *Continental Ins. Co. v. Board of Fire Underwriters of the Pacific*, 67 Fed., 310; *Mogul S. S. Co. v. McGregor*, 21 Q. B. Div., 544, s. c. 23 Q. B. Div., 598; *Bohn Mfg. Co. v. Hollis*, 54 Minn., 223, 55 N. W., 1119; *McHenry v. Jewett*, 90 N. Y., 58; *Gilbert v. Mickle*, 4 Sandf. Ch., 357. The force of the *Steamship Mogul Case*, and others of the cases cited, is attempted to be broken by the statement that these were cases of "lawful competition in trade," and therefore not applicable to the defendants, who, it is impliedly said, are not entitled to enjoy the right of competition. This is a misconception of what it takes to constitute competition, and of the relation one must sustain to the business to be entitled to the rights of a competitor. The error probably springs from the erroneous assumption that a boycott can not be used as a weapon of competition, or consist with it. Competition is defined to be an "endeavor to gain what another is endeavoring to gain at the same time." (Cent. Dict.) In such a struggle the boycott is perfectly legitimate. It is resorted to by great corporations and trusts—the sugar trust, the meat trust, the oil trust, and scores of others. That one competing for the mastery in any line of business may rightfully resort to the boycott was decided in the *Steamship Mogul Case*. (*Mogul S. S. Co. v. McGregor*, 15 Q. B. Div., 476.) When that case was before Lord Chief Justice Coleridge, he said:

"It was an application of the plaintiffs for an injunction to restrain the defendants from doing that which was called throughout the case—and which I really see no reason for hesitating to call, also—'boycotting the plaintiffs.'"

And he refused the injunction, and on appeal his judgment was affirmed.

It is the right of every man to compete with every other man in all lawful business pursuits. Every wage earner has this right. His own interests, no less than the interests of his employer, are at stake. If his employer can not successfully compete with his rivals, he must either go out of business, or reduce the wages of his employees, as was threatened to be done in this case. The wage earner may therefore not only give preference to his employer's commodities, and to the

product of his own labor, but he may carry competition to the bitter end, including the boycott, in order to gain the supremacy in the market for his employer's wares, upon whose successful sale his wages, and in some cases, probably, his existence, depend. Competition is not confined alone to cases where the competitors represent large moneyed capital, and are the exclusive owners of the commodity or business out of which the competition arises. It is a fundamental error to deny to labor the rights and privileges of competition, upon the ground that labor is not capital, and therefore not entitled to any of the rights of capital. It is capital of the very highest and most valuable type. It is the creator of all other capital. Cardinal Manning (a great authority upon any subject upon which he wrote, and who was a profound student of the social and economic problems of the time, with a view of adjusting the relations of the church to existing social conditions), speaking of the laborer and his rights, says:

"Among the English-speaking peoples of the world (that is, in the new world, which seems to be molding our future), a workingman is a free man, both in his person and in the labor of his hand. The mere muscular labor of his arm is his own, to sell as he wills, to whomsoever he wills, wherever and for whatsoever time he wills, and at whatsoever price he can. If his labor be skilled labor, or even half-skilled labor, it is all the more valuable, and absolutely his own possession. In truth, it is the most precious form of capital, which gold and silver may purchase, but on which gold and silver absolutely depend. Money is but dead capital, after all, but the live capital of human intelligence and the human hand is the primeval and vital capital of the world. Unless these rights of labor can be denied, liberty of organization to protect these rights and the freedom founded on them can not be denied." (Letter to Catholic Tablet, April 28, 1887.)

In his first annual message to Congress, Mr. Lincoln expresses the same idea in different language. He said:

"Labor is prior to, and independent of, capital. Capital is only the fruit of labor. Capital could never have existed if labor had not first existed. Labor is the superior of capital, and deserves much the more consideration."

That the struggle between the plaintiff and defendants is purely competitive is a fact proven in the case. Mr. Day, president and general manager of the Western Cooperage Company (an intelligent and disinterested witness), testifies that:

"The present controversy is simply a competition between the proprietors of wood-hooping machines and the journeymen coopers; the former endeavoring to displace the latter by machine, unskilled labor, and the latter endeavoring to protect and maintain their wages and occupation."

It can not be the law that the men and women who do the work of the world, and who produce its wealth, have no rights against the wealth they create, and no right to prefer and promote by lawful and peaceful means the sale of the products of their labor, to secure for themselves continued employment. The "irreparable damage" suffered in business by a vanquished competitor at the hands of his successful rival constitutes no cause of action, either at law or in equity. It is the result of the law of competition, to which all men are subject. They take their chances, and must abide the result, whether it bring fortune or failure. In the Steamship Mogul Case, Lord Chief Justice Coleridge said that it was the resolute purpose of the defendants—

"To exclude the plaintiffs, if they could, and to do so without any

consideration of the results to the plaintiffs if they were successfully excluded. This, I think, is made out, and I think no more is made out than this. Is this enough? It must be remembered that all trade is, and must be, in a sense, selfish. Trade not being infinite—nay, the trade of a particular place or district being, possibly, very limited—what one man gains another loses. In the hand to hand war of commerce, as in the conflicts of public life, whether at the bar, in parliament, in medicine, in engineering (I give examples only), men fight on without much thought of others, except a desire to excel or defeat them."

And the learned judge held that the plaintiffs could have no redress for their losses; they were losses incident to competition in business, and, as we have seen, to a competition carried on by what the learned chief justice said was "boycotting the plaintiffs." If every one likely to be "irreparably damaged" by competition could enjoin his competitors from boycotting his wares (that is, refusing to buy or deal in them), there would soon be an end of all competition. Under the existing social and economic conditions, the natural person, it has been well said, is the merest rudiment of a man. He can only make his power felt, promote his interests, and defend his rights by association and combination with others. Business and commercial pursuits of any magnitude are not carried on by natural persons any more. All capital seeks to increase its power by combination, and to that end assumes the form of corporations and trusts. The plaintiff in this case is a corporation. It represents a number of persons associated together for the very purpose of combined and collective action. Many of these combinations are on a gigantic scale. Their power and influence are wellnigh irresistible. They are the employers of the great mass of the laborers. They are formed solely for pecuniary profit, and know no other law than that which promotes their pecuniary interests. They defy all social restraints that would have a tendency to lessen their dividends. What the stockholders want is more dividends, and the best manager is the man who will make them the largest. The struggle is constant between the laborers, whose labor produces the dividends, and those who enjoy them. The manager is tempted to reduce wages to increase dividends, and the laborers resist the reduction, and demand living wages. Sometimes the struggle reaches the point of open rupture. When it does, the only weapons of defense the laborers can appeal to is the strike or the boycott, or both. These weapons they have an undoubted right to use, so long as they use them in a peaceable and orderly manner. This is the only lawful limitation upon their use. That limitation is fundamental, and must be observed. It was observed in the case at bar to its fullest extent. If these weapons are withheld from them, then, indeed, are they left naked to their enemies. One class of men can not rely for protection and the maintenance of their rights upon the justice and benevolence of another class, who would reap profit from their oppression. They must be in a position to compel respect, and make it to the interest of their adversary to grant their reasonable and just demands. Laborers can only do this by making common cause—by organization and collective action. The right of organization itself may as well be denied to them, if the right of peaceful and orderly collective action is denied them. It is vital to the public interests, as well as to laborers, that this should not be done. A labor organization in itself teaches respect for law and order. The conscious obedience to the rules and regulations of the organization inculcates a spirit of obedience to all law. Orderly collective action can be attained through

organization only. In its absence we have the ungoverned and ungovernable mob. A labor organization improves the mental, moral, material, and physical condition of its members. It teaches them how best to perform their duties, and to become expert in their several callings. The great improvement made in the last half century in the condition of the wage earners is due almost exclusively to the power of these organizations. Sir John Lubbock, whose learning and impartiality must be conceded, in a recent volume *Treasures of Life*, ventures to predict that "the readers of the next generation will be not our lawyers, doctors, shopkeepers, and manufacturers, but the laborers and mechanics;" and, if this prediction is verified, it will be mainly due to the beneficent influence of these organizations. To strike them down at a time when their adversaries are more powerful than they ever were in the history of the world is to take a long step backward into the Dark Ages. It is, indeed, the revival of despotism for laborers, and means their practical enslavement to great aggregations of capital, whose greed takes no note of human destitution and suffering. Their adversaries combine to act collectively, and it is not a conspiracy. It is the business of the law to see that no man or class of men, under any pretext whatever, is granted rights or privileges denied to other men or classes of men. The public order must be secured, and private rights protected, under the constitution and laws, without denying to labor, or any other class of citizens, their natural and constitutional rights. Let the person and property of every citizen be securely protected by fixed laws, and speedy punishment follow the commission of crime. Let the constitutional mode of trial remain inviolate. The necessity for this is illustrated in this case. No American jury could be found who would say these defendants were guilty of a "conspiracy," or of making "threats" to injure any one. Like the jury in the Penn Case, they would say, "Guilty of refusing to purchase the plaintiff's barrels and the commodities packed in them, only," and the common sense of all mankind would respond that that creates neither criminal nor civil liability on any one. The decree of the circuit court should be reversed, and the case remanded, with instructions to dismiss the bill.

EMPLOYERS' LIABILITY—ASSUMPTION OF RISK—*Collins v. Laco-*
nia Car Co., 38 *Atlantic Reporter*, page 1047.—This suit was brought before the supreme court of New Hampshire on exceptions from Belknap County from a judgment rendered below for the plaintiff, Collins, in a suit brought by him against the above-named car company for damages for injuries sustained while in its employ. He was engaged about a "press machine" upon which were uncovered cogwheels upon the right side of the machine where the plaintiff was working. The plaintiff reached to a shelf back of the machine for his apron, and in withdrawing his arm his hand was caught in the gearing of the cogwheels and was injured. At the time of the accident plaintiff had worked on the machine nearly a year. He was about 52 years of age, and of average intelligence. No warning as to the danger from the gearing, or instructions as to the precautions which should be taken to avoid it, was given to him by the defendants; and there was also evi-

dence tending to show that the gearing should have been covered to make it reasonably safe. The plaintiff testified that he knew he would get hurt if he got his hand in the gearing, but that he never thought of the danger, and that, when he took his apron from the shelf, he was not thinking of it, and that, if he had, he supposed he should not have got hurt.

The supreme court rendered its decision March 15, 1895, and reversed the judgment of the court below. From the opinion of said court, delivered by Judge Blodgett, the following is quoted:

The motion for a nonsuit should have been granted. Familiar principles of universal acceptance forbid any other conclusion. The plaintiff's grounds of complaint are solely (1) that the gearing was not reasonably and safely protected, and (2) that the defendants gave him no warning or instruction as to the resulting danger. No recovery can be had upon either of these grounds.

The fact that the gearing was not covered is not of controlling importance. The danger from it was as apparent to the plaintiff as to the defendants; and there was no emergency requiring him to expose himself to the danger. It was obviously one of the "seen dangers" of which the servant assumes the risk by entering upon the employment, even though reasonable precautions have been neglected by the employer. As to all defects and dangers which are open to the observation and within the knowledge and comprehension of master and servant alike, both stand upon common ground; and no recovery can be had for a resulting injury to the latter when he is of sufficient intelligence and knowledge to comprehend the risks incident to the service, which is presumed in the case of an adult person, in the absence of evidence showing the contrary. In such a case an injury to the servant is within the scope of the danger which both the contracting parties contemplated as incidental to the service, and the master can not be held liable for the injury. Much less can he be held liable when, as in the present case, it affirmatively appears, not only that the danger of which the servant complains was open to common observation and within common comprehension, and that he was of sufficient intelligence and knowledge to comprehend it, but that he actually did know and comprehend it. In brief, the plaintiff stands no better than he would have stood if, by special agreement with the defendants, he had assumed the risk of the gearing.

Of still less importance is the fact that no warning or instruction as to the danger from the gearing was given to the plaintiff by the defendants. None was necessary. It would have been a useless formality merely. The most that could have been said to him was that he must keep away from the gearing when the machine was in operation, or he would get hurt. But this would have given him no knowledge he did not already possess. The danger of getting caught in the gearing was perfectly obvious to him, and he therefore knowingly and voluntarily assumed it as one of the ordinary risks of his employment. The duty resting on the master to instruct or warn the servant of all latent and hidden defects or hazards incident to the employment, of which the master knows or ought to know, does not extend to dangers open to ordinary observation, except in cases of youth, inexperience, ignorance, or want of capacity of the servant, and can not be invoked as to patent defects or dangers by a servant of mature capacity and knowledge. As to such defects or dangers as are obvious to the senses, he is bound

to take notice; and when, as in the case of this plaintiff, he admits he knew of the danger and comprehended it, it would be as absurd as it manifestly would be unjust to permit a recovery on the ground that his employers did not warn him of that danger. Judgment for the defendants.

EMPLOYERS' LIABILITY—DUTIES OF THE MASTER—NEGLIGENCE—*Belleville Stone Co. of New Jersey v. Mooney*, 38 *Atlantic Reporter*, page 835.—Suit was brought in the circuit court of Essex County, N. J., by Henry Mooney against the above-named company to recover damages for personal injuries received by him while in the employ of said company. He was injured by being struck by a stone from a blast in a quarry belonging to said company. Judgment was given for Mooney, and the company appealed the case to the supreme court of the State, which rendered its decision November 12, 1897, and affirmed the judgment of the lower court.

The opinion of the supreme court was delivered by Judge Lippencott, and the syllabus of the same, which was prepared by the court, lays down certain principles of the common law as follows:

5. It is the duty of the master to exercise reasonable care to provide a safe place for his servant to work in, for his protection from all but the assumed and accepted dangers, and this duty remains the same where the dangers arise to the servant by reason of the adoption or use of a system by which the business of the master is performed or conducted.

6. If this general duty is intrusted by the master to his agent, superintendent, or coservant of the servant injured, the negligence of such agent or superintendent in the performance of this duty is imputable to the master.

8. Where the master, or one representing the master, as general superintendent of the work, promises a servant engaged in such work to remedy and obviate a certain danger to which the servant has called his attention, this promise does not relieve the servant from the further assumption of the risks of danger if the risks or dangers be obvious or incidental to his employment, or risks the danger of which he in the exercise of ordinary care could discover or know, and the master will not be liable for an injury resulting from such risks; but if the employment of the servant be in such a place or under such circumstances that he can not know of the danger, or it is not obvious to him, he can continue in the employment under the assumption that the promise will be performed for his protection, and the master will be liable for injury to him resulting from the danger arising from the default of the master in the nonperformance of the promise.

9. Where an injury arises to a workman by reason of the united negligence of a master and a fellow-servant, the master is liable to respond for such injuries.

LABELS OF LABORERS' UNIONS—APPLICATION FOR INJUNCTION TO PREVENT UNAUTHORIZED USE OF SAME—*Hetterman et al. v. Powers et al.*, 43 *Southwestern Reporter*, page 180.—Action was brought in the circuit court of Jefferson County, Ky., by Powers and others against Hetterman Brothers and others to restrain them from using a certain cigar label. Judgment was rendered for the plaintiffs, and the defendants appealed the case to the court of appeals of the State, which rendered its decision October 27, 1897, and sustained the judgment of the lower court.

The opinion of said court was delivered by Judge Hazelrigg, and in the course of the same he used the following language:

The appellants were manufacturers and dealers in cigars in Louisville, Ky., and, without right or claim of right, used on boxes of cigars manufactured and sold by them the blue label of the Cigar Makers' International Union of America, a *facsimile* of which is as follows: "Sept., 1880. Issued by Authority of Cigar Makers' International Union of America. Union-Made Cigars. This certifies that the cigars contained in this box have been made by a first-class workman, a member of the Cigar Makers' International Union of America, an organization opposed to inferior, rat-shop, cooly, prison, or filthy tenement-house workmanship. Therefore we recommend these cigars to all smokers throughout the world. All infringements upon this label will be punished according to law. A. Strasser, President, C. M. I. U. of America."

Thereupon appellees Powers, Keiffer, and Wopprice, suing for themselves and all their associate and fellow-members in the Cigar Makers' International Union and the Cigar Makers' Protective Union, No. 32, and joining these two organizations, also, as plaintiffs, brought this action to prevent this alleged wrongful use of the label. The International Union, embracing, according to the petition, some — members, and the local union, some — members, are voluntary, unincorporated labor organizations, composed solely of practical cigar makers. They are workmen who do not own the products of their labor, being exclusively wage workers. The purpose of these unions, as said in the petition, is, generally, to maintain a high standard of workmanship, and secure fair wages to cigar makers; to elevate the material, moral, and intellectual welfare of the membership; and, by legitimate, organized effort, to secure laws prohibiting labor by children under 14 years of age, the abolition of the "truck" system, the tenement-house cigar manufacture, and the manufacture of cigars by prison convict labor. Other praiseworthy objects are set out, which need not be detailed. It is further averred that, for the purpose of designating the cigars made by members of the unions, the label in controversy was adopted and extensively used as a trade-mark, or certificate of identification, and, when posted on the outside of cigar boxes containing cigars made by members of the unions, it is a guaranty that the cigars are made by first-class workmen, members of the cigar maker's union, etc.; that because the members receive fair wages, and were thus able to furnish good workmanship, the cigars so labeled commanded a higher price than did similarly looking cigars not so labeled; that the label was therefore a source of great profit and benefit to the appellees, and other members of the unions. The appellants, for defense, do not deny the use of the label as charged in the petition, but it is insisted by them that this label does not possess any of the elements of a trade-mark; that the

appellees are engaged in no trade, having nothing to sell, and therefore nothing to protect by a trade-mark; that none of them are engaged in the business of selling cigars; that they are "simply workmen employed by other people making cigars—first by one person, and then another—and those persons sell the cigars;" that the plaintiffs, therefore, "have not shown any property right in the label, as a trade-mark, or otherwise;" moreover, that the membership is an ever-changing one, constantly varying in members, composed of a few thousands to-day, and many thousands to-morrow—"a shifting crowd;" that the plaintiffs, therefore, are not qualified to sue, and have, in fact, no legal rights that can be made the subject of a suit. Moreover, it is urged that the plaintiffs do not come into court with clean hands; that they are members of an organization lately engaged in boycotting the defendants, and attempting to ruin their business; that the label itself can not be approved, either in law or morals, as it denounces other cigars than union-made ones as inferior and unwholesome, and the product of filthy tenement houses, or made by coolies and convicts.

And, first, we may admit that the label is not used as a "trade-mark," in the ordinary sense of that word. It is not a brand put upon the goods of the owner, to separate or distinguish them from the goods of others. But we can not agree, on that account, that it does not represent a valuable right, which may be the subject of legal protection. Why may not those engaged in skillful employments so designate the result of their labor as to entitle them to the fruits of their skill, when it is admittedly a source of pecuniary profit to them? And this though they may not own the property itself. They are not, it is true, "in business" for themselves, in the ordinary sense; but they have property rights, nevertheless. They may not select a label, and be protected in its use apart from its connection with some commodity; but they not only select it in this instance, but they apply it to property, and it does not at all matter that the tangible property is that of another. In order to get the benefit of the superior reputation of cigars made by them, the appellees select and apply this label, as a distinguishing brand or mark; and it would be strange if this thing of value—this certificate of good workmanship, which makes the goods made by them sell, and thus increases the demand for their work—should be entitled to no protection, because those making the selection and application are not business men engaged in selling cigars of their own. The man who is employed for wages is as much a business man as his employer, in the larger sense in which the word "business" has come to be used by statesmen and legislators. In a number of the States, laws have been enacted giving protection to the men engaged in the business of working for wages; and their right of organizing and selecting appropriate symbols to designate the result of their handiwork is recognized, and ordained to be the subject of lawful protection, by the court. Thus, in this State, in April, 1890, a law was enacted by the general assembly providing that "every union or association of working men or women adopting a label, mark, name, brand or device intended to designate the product of the labor of the members of such union, shall file duplicate copies of such label in the office of the secretary of state, who shall then give them a certificate of the filing thereof," and that "every such union may by suit in any of the courts of the State, proceed to enjoin the manufacture, use, display," etc., "of counterfeits or imitations of such labels," etc., "on goods bearing the same, and that the court having jurisdiction of the parties shall grant an injunction restraining such wrongful manufacture, use," etc., "of such labels," etc. This suit was filed before

the adoption of this statute, but it indicates the policy of the law, and the growth or expansion, and perhaps the creation, of legal remedies hardly known to ancient trade-mark law. The learned chancellor below, in an exhaustive opinion, reviewing all the authorities, among other things, said (and we can say it no more clearly) that: "The known reputation of a particular kind of skilled labor, employed in the development of a particular product or class of products, determines, to a large degree, the value or price of such products when put on the markets. To stamp or label a commodity as the product of a particular kind or class of skilled labor, determines the demand for, and the price of, such product or commodity. The marketable price of a commodity influences the scale of wages paid for its manufacture. The higher the price, the higher the wages paid. Hence it is indisputable that the employee, whose skilled labor in the production of a particular commodity creates a demand for the same that secures for him higher, remunerative wages, has as definite a property right to the exclusive use of a particular label, sign, symbol, brand, or device, adopted by him to distinguish and characterize said commodity as the product of his skilled labor, as the merchant or owner has to the exclusive use of his adopted trade-mark on his goods."

In *Cohn v. People*, 149 Ill., 486, 37 N. E., 60, the court upheld the constitutionality of the trades-union act in that State; and as the court, independently of the statute, disposed of one of the contentions of counsel in the case, which is also relied on here, we quote, in part, its argument: "It is next objected that the label, an imitation and counterfeit of which is alleged to have been unlawfully used by plaintiff in error, could not have been rightfully adopted either as a label, trade-mark, or form of advertisement. It is said that it transgresses the rules of morality and public policy. * * * By reference to the label, heretofore set out, it will be seen that it is a certificate, signed by the president of the Cigar Makers' International Union of America, certifying that the cigars contained in the box upon which it was placed were 'made by a first-class workman, a member of the Cigar Makers' International Union of America, an organization opposed to inferior, rat-shop, cooly, prison, or filthy tenement-house workmanship.' And it concludes: 'Therefore we recommend these cigars to all smokers throughout the world.' The purpose, as derived from the label itself, is to send the cigars out to the public with the assurance that they are made by a first-class workman, who belongs to an order opposed to the inferior workmanship designated. It will be observed that the label attacks no other manufacturer of cigars. It says, simply, in effect, 'These cigars are not the product of an inferior, rat-shop, cooly, prison, or filthy tenement-house workmanship.' Can it be said that one may not, without condemning or aspersing the product of other manufacturers, commend the article he has for sale? If he may do so himself, may he not procure the certificate of others as to the quality of the article he puts upon the market?"

Further, we agree with the learned chancellor that there is no competent evidence that the appellees, or any of them, have been engaged in boycotting the appellants, and thus depriving themselves of the right to enforce their legal remedies in a court of equity. Whatever may be said of the letters and circulars looking to this end, and exhibited in the proof, it is not shown by any competent proof that the appellees instigated, or had aught to do with, the attempted boycott. And, moreover, this boycott, which seems to have occurred in 1886, did not in any way grow out of the wrongful use of the label in contro-

versy. On the whole case, therefore, we are of opinion that the law may be justly invoked by organized labor to protect from piracy and intrusion the fruits of its skill and handiwork, and that brain and muscle may be the subject of trade-law rules, as well as tangible property. The judgment is affirmed.

SEAMEN'S WAGES—*Krueger et al. v. The John and Winthrop*, 84 *Federal Reporter*, page 503.—This was a libel by F. A. Krueger and others against the American bark *John and Winthrop* to recover seamen's wages, brought in the United States district court for the northern district of California. The defense to the action was that the libelants had shipped for an entire whaling voyage, and while on such voyage attempted to burn and destroy the vessel, and for that offense the captain, after such investigation as he thought sufficient, suspended the libelants from duty, and imprisoned them on board of the vessel. Upon the trial the captain testified that such action was, in his judgment, necessary for the safety of the vessel. The captain did not, however, of his own knowledge, know that the libelants were in fact guilty of the offense charged against them.

The decision of the district court was rendered December 29, 1897, and allowed the wages claimed. The opinion was delivered by District Judge De Haven, and reads as follows:

The evidence in this case is not such as would warrant the court in finding that the libelants, or either of them, attempted to burn and destroy said bark, *John and Winthrop*, and thus to break up the voyage for which they shipped as seamen on board of said vessel. The fact, if it be a fact, that the captain, in suspending the libelants from duty and imprisoning them on board the ship, acting in good faith, under the belief that they were guilty of attempting to destroy the vessel, is not of itself sufficient to defeat the claims of the libelants in this action. The good faith of the master in that matter would be important, if the libelants were seeking to recover damages for assault or false imprisonment; but in this action, based on the contract set out in the shipping articles, the libelants are entitled to recover if they are not in fact guilty of the charge of attempting to set fire to the vessel. There will be a decree for the libelants.

SEAMEN'S WAGES—COMPLETION OF VOYAGE—*Heinrici et al. v. The Laura Madsen et al.*, 84 *Federal Reporter*, page 362.—This case was brought in the United States district court for the southern district of California to recover seamen's wages. The libelants at San Francisco, Cal., on March 29, 1897, entered into and duly executed articles of agreement with the master of the schooner *Laura Madsen*, upon the terms and conditions set forth in the shipping articles, a part of which reads as follows: "The schooner *Laura Madsen*, of San Francisco, Cal., * * * now bound from the port of San Francisco, Cal., to

Port Blakeley, thence to San Francisco for final discharge, either direct or via one or more ports on the Pacific coast. Either north or south of the port of discharge. Voyage to be repeated one or more times." Another material provision of said articles was as follows: "It is especially understood and agreed that the wages of the said crew shall not be due, nor any part thereof, nor shall the crew be entitled to receive any portion of their pay, except at the master's option, until the completion of the entire voyage above described; and that, in case any of the crew leave the vessel before the completion of the voyage as aforesaid, the persons so leaving shall forfeit to the owners of the said vessel all the wages due them."

The vessel entered upon the voyage from San Francisco and proceeded direct to Port Blakeley, in the State of Washington, where she loaded with a cargo of lumber, and thence sailed direct to the port of San Pedro, in the State of California. After discharge of cargo there the master announced to the seamen his purpose of sailing direct to Port Blakeley, and they then and there demanded their wages, but payment was refused. They remained while the vessel took in ballast and assisted in the same, and after that they again demanded their pay. The master refused to pay them, claiming that the voyage had not been ended and that they were not entitled to their wages. The seamen then and there left the vessel without the master's consent, claiming that the voyage was completed and that they were entitled to their wages.

The decision of the court awarding wages to the seamen was rendered November 1, 1897, and from the opinion, delivered by district Judge Wellborn, the following is quoted:

Libelants contend that they had a right to leave the vessel at the time and place they did, for the reason, among others, that the voyage for which they shipped did not include a return from San Pedro to Port Blakeley; and therefore, when the announcement was made to them by the master of the vessel of his intention to return to Port Blakeley, they were justified in leaving said vessel. Respondents insist that libelants, by leaving the vessel at San Pedro, were guilty of desertion, and therefore forfeited their wages.

If it be conceded (which, however, I do not decide) that the shipping articles allowed the vessel to go from Port Blakeley to San Pedro, no fair construction of the articles would permit the return from San Pedro to Port Blakeley. The voyage is expressly described as being from San Francisco to Port Blakeley, thence to San Francisco, etc. Certainly this language does not imply that the vessel could go from Port Blakeley to some other point, as, for instance, San Pedro and return to Port Blakeley. Whatever may be the true construction of the shipping articles as to the ports at which the vessel could touch in going from Port Blakeley to San Francisco, it is clear that the articles did not permit a return to Port Blakeley from any intermediate port before San Francisco had been reached. A decree for libelants will be entered.

SEAMEN'S WAGES—LEAVING VESSEL—ABUSIVE TREATMENT—*Richards et al. v. The Topgallant*, 84 Federal Reporter, page 356.—This was a libel *in rem* against the bark *Topgallant* to recover seamen's wages, heard in the United States district court for the district of Washington, northern division. The following decision of the court was rendered January 3, 1898, by District Judge Hanford:

The libelants shipped at San Francisco for a voyage to Puget Sound and return, and they proceeded in the vessel from San Francisco to Port Blakeley, and thence to Seattle, and, while at Seattle, engaged in taking in cargo, there was difficulty between them and the captain. The captain had given orders to the first mate to move the vessel to a different position for convenience in receiving coal, and the mate neglected to have this done until after working hours. After 7 o'clock in the evening the mate asked the men if they would then haul the ship, to which they answered that they would not, and the vessel was not moved that night, and in consequence of this neglect she was delayed in lading. The captain was absent from the ship from the time of giving the order to the mate to the next morning. On being informed by the mate that the men had refused to haul the ship when requested, he reprimanded the crew, and ordered a discontinuance of coffee and a luncheon, which, until that time, during the loading of the vessel, had been served to the men at 9 o'clock in the forenoon, as an extra in addition to the regular breakfast, dinner, and supper. There is a conflict in the testimony as to the conduct and exact words of the captain at this time, and as to threats which the men allege he made of future severity. A day or two after this occurrence, these libelants informed the captain that they wished to leave the ship, and asked him for their wages, which he refused to pay. He informed them, however, that they could leave the vessel if they wished to, but that, if they did leave, he would not pay them their wages. The libelants did leave the vessel.

It is my opinion that the libelants were not justified in leaving the vessel before termination of the voyage for which they shipped, by reason of abusive treatment at the hands of the captain; neither was their conduct disobedient or insolent to such a degree as to authorize the captain to discharge them, and claim forfeiture of their wages. The libelants, however, wished to leave the vessel, and so informed the captain; therefore they cannot claim that by telling them to go the captain discharged them unjustly, so as to entitle them to wages for the entire voyage. Upon being told by the captain that they could leave the vessel, they had a right to take him at his word, so that their contract for services in the vessel was, in effect, terminated by mutual consent. The captain seems to have acted upon a mistaken idea that the wages of seamen are forfeited by quitting the service before fulfillment of the entire contract, even when in doing so there is no disobedience. But in law seamen can not be treated as deserters, and their wages forfeited, unless they leave the vessel, and remain absent, without leave of the commander. The rule is that, when the seamen's contract is terminated before conclusion, by mutual assent, the seamen are entitled to wages for the time of their actual service at the rate fixed by their contract. If the captain discharges them before the termination of the voyage, without justifiable cause, they are entitled to wages for the entire voyage, and the amount of their expenses in returning to the port of discharge. Deserters from a vessel are not entitled to anything.

LAWS OF VARIOUS STATES RELATING TO LABOR ENACTED SINCE JANUARY 1, 1896.

[The Second Special Report of the Department contains all laws of the various States and Territories and of the United States relating to labor in force January 1, 1896. Later enactments are reproduced in successive issues of the Bulletin from time to time as published.]

NORTH CAROLINA.

ACTS OF 1897.

VOL. I.—PUBLIC LAWS.

CHAPTER 185.—*Protection of employees as voters.*

SECTION 72. Section seventy-two (72) of said act [chap. 159, acts of 1895] is hereby repealed, and the following substituted therefor: "That any person entitled to vote at any election held under the laws of this State shall, on one of the days set apart for registration for said election, and on the day of such election be entitled to absent himself from service or employment in which he is engaged or employed for a period of time sufficient to enable such person to go and return from the voting place in the precinct wherein such person is entitled to register and vote, while the registration books are open, and while the polls in said precinct are open, if such voter shall notify his employer before the day of such registration or of such election, of such intended absence, and if, thereupon, the time of [such absence] shall be designated by the employer, and such absence shall be during such designated time, or if the employer, upon the days of such notice, makes no designation, and such absence shall be during one of the days for registration or during the day of election, no penalty shall be imposed upon him by his employer by reason of such absence.

Ratified the 9th day of March, A. D. 1897.

CHAPTER 219.—*Convict labor.*

SECTION 5. It shall be the duty of the superintendent of the State's prison—

(2) To employ all convicts in his custody within the penitentiary or on farms leased or owned by the institution, and to make contracts on remunerative terms with persons or corporations in order to employ and support as many of the able-bodied convicts on public works as the interests of the State and the constitution will permit.

(4) To sell at the highest market prices all articles manufactured and products produced by the convicts not deemed necessary for their use and comfort for the next ensuing year as and when he may deem best; but any article or product held more than two months for better prices shall be sold when the board of directors shall direct.

(11) The superintendent may, with the consent of the governor, erect additional shops within the walls of the prison for employment of convicts confined therein, and may lease and equip farms whenever it may become necessary to keep the able-bodied convicts employed:

Ratified the 3d day of March, A. D. 1897.

CHAPTER 251.—*Inspection and regulation of mines.*

SECTION 1. Chapter 113 of the laws of 1887 is amended by adding to the duties of the commissioner of labor statistics that of "mine inspector" as herein provided for, which officer is called in this act "inspector."

SEC. 2. It shall be the duty of the inspector to examine all the mines in the State as often as possible to see that all the provisions and requirements of this act are strictly observed and carried out; he shall particularly examine the works and

machinery belonging to any mine, examine into the state and condition of the mines as to ventilation, circulation and condition of air, drainage and general security; he shall make a record of all examinations of mines, showing the date when made, the conditions in which the mines are found, the extent to which the laws relating to mines and mining are observed or violated, the progress made in the improvements and security of life and health sought to be secured by the provisions of this act, number of accidents, injuries received or deaths in or about the mines, the number of mines in the State, the number of persons employed in or about each mine, together with all such other facts and information of public interest, concerning the condition of mines, development and progress of mining in the State as he may think useful and proper, which record shall be filed in the office of the inspector, and as much thereof as may be of public interest to be included in his annual report. In case of any controversy or disagreement between the inspector and the owner or operator of any mine, or the persons working therein, or in case of conditions of emergencies requiring counsel, the inspector may call on the governor for such assistance and counsel as may be necessary; should the inspector find any of the provisions of this act violated, or not complied with by any owner, lessee or agent in charge, of such neglect or violation, and unless the same is within a reasonable time rectified, and the provisions of this act fully complied with, he shall institute an action to compel the compliance therewith. The inspector shall exercise a sound discretion in the enforcement of this act. For the purpose of making the inspection and examinations provided for in this section, the inspector shall have the right to enter any mine at all reasonable times, by night or by day, but in such manner as shall not necessarily obstruct the working of the mine; and the owner or agent of such mine is hereby required to furnish the means necessary for such entry and inspection; the inspection and examination herein provided for shall extend to fire-clay, iron ore and other mines as well as coal mines.

SEC. 3. The inspector shall make such personal inspection of the mines as he may deem necessary, and his other duties will permit; he shall keep in his office and carefully preserve all maps, surveys and other reports and papers required by law to be filed with him, and so arrange and preserve the same as shall make them a permanent record of ready, convenient and connected reference; he shall compile and consolidate the reports and annually make report to the governor of all his proceedings, the condition and operation of the different mines of the State, and the number of mines and the number of persons employed in or about such mines; the amount of coal, iron ore, limestone, fire-clay or other mineral mined in this State; and for the purpose of enabling him to make such report, the owner, lessee or agent in charge of such mine, who is engaged in mining, and the owner, lessee or agent of any firm, company or corporation in charge of any fire-clay or iron ore mines, or any limestone or quarry, or who is engaged in mining or producing any mineral whatsoever in this State, shall, on or before the 30th day of November in every year, send to the office of the inspector upon blanks, to be furnished by him, a correct return, specifying with respect to the year ending on the preceding 1st day of October, the quantity of coal, iron ore, fire-clay, limestone or other mineral product in such mine or quarry, and the number of persons ordinarily employed in or about such mine or quarry below and above ground, distinguishing the persons and labor below ground and above ground. Every owner, lessee or agent of a mine or quarry who fails to comply with this section, and makes any return which to his knowledge is false in any particular, shall be deemed guilty of a misdemeanor; he shall enumerate all accidents, and the manner in which they occurred in or about the mines, and give all such other information as he thinks useful and proper, and make such suggestions as he deems important relative to mines and mining, and any other legislation that may be necessary on the subject for the better preservation of the life and health of those engaged in such industry.

SEC. 4. It is unlawful for the owner or agent of any coal mine, worked by shaft, to employ or permit any person to work therein, unless there are, to every seam of coal worked in such mine, at least two separate outlets, separated by natural strata of not less than one hundred feet in breadth, by which shafts or outlets distinct means of ingress and egress are always available to the persons employed in the mine; but it is not necessary for the two outlets to belong to the same mine, if the persons employed therein have safe, ready and available means of ingress or egress by not less than two openings. This section shall not apply to opening a new mine, while being worked for the purpose of making communications between said two outlets, so long as not more than twenty persons are employed at one time in such mine; neither shall it apply to any mine or part of a mine in which the second outlet has been rendered unavailable by reason of the final robbing of pillars previous to abandonment, as long as not more than twenty persons are employed therein at any one time. The cage or cages and other means of egress shall at all times be available for the persons employed, when there is no second outlet. The escapement shafts shall be fitted with safe and available appliances by which the persons employed

in the mine may readily escape in case an accident occurs, deranging the hoisting machinery at the main outlets, and such means or appliances of escape shall always be kept in a safe condition; and in no case shall an air-shaft with a ventilating furnace at the bottom be construed to be an escapement shaft, within the meaning of this section. To all other coal mines, whether slopes or drifts, two such openings or outlets must be provided, within twelve months after shipments of coal have commenced from such mine; and in case such outlets are not provided as herein stipulated, it shall not be lawful for the agent or owner of such slope or drift to permit more than ten persons to work therein at any one time.

SEC. 5. The owner or agent of any coal mine, whether shaft, slope or drift, shall provide and maintain for every such mine an amount of ventilation of not less than one hundred cubic feet per minute per person employed in such mine, which shall be circulated and distributed throughout the mine in such a manner as to dilute, render harmless and expel the poisonous and noxious gases from each and every working place in the mine, and no working place shall be driven more than sixty feet in advance of a break through or airway, and all break throughs or airways, except those last made near the working places of the mine, shall be closed up by brattice trap doors, or otherwise so that the currents of air in circulation in the mine may spread to the interior of the mine when the persons employed in such mine are at work, and all mines governed by the statute shall be provided with artificial means of producing ventilation such as forcing or suction fans, exhaust steam furnaces, or other contrivances of such capacity and power as to produce and maintain an abundant supply of air, and all mines generating fire damp shall be kept free from standing gas, and every working place shall be examined every morning with a safety lamp by a competent person or persons before any of the workmen are allowed to enter the mine. All underground entrances to any place not in actual course of working or extension shall be properly fenced across the whole width of such entrance so as to prevent persons from inadvertently entering the same. No owner or agent of any coal mine operated by shaft or slope shall place in charge of any engine used for lowering into or hoisting out of mines persons employed therein any but experienced, competent and sober engineers, and no engineer in charge of such engine shall allow any person except such as may be deputed for such purposes by the owner or agent to interfere with it or any part of the machinery, and no person shall interfere or in any way intimidate the engineer in the discharge of his duties, and in no case shall more than two men ride on any cage or car at one time, and no person shall ride upon a loaded cage or car in any shaft or slope.

SEC. 6. All safety lamps used in examining mines, or for working therein, shall be the property of the operator of the mine, and a competent person shall be appointed for the purpose, who shall examine every safety lamp before it is taken into the workings for use, and ascertain it to be clean, safe and securely locked, and safety lamps shall not be used until they have been so examined and found safe and clean and securely locked, unless permission be first given by the mine foreman, to have the lamps used unlocked. No one, except the duly authorized person, shall have in his possession a key, or any other contrivance, for the purpose of unlocking any safety lamp in any mine where locked lamps are used. No matches or any other apparatus for striking lights shall be taken into any mines, or parts thereof, except under the direction of the mine foreman. All persons violating the provisions of this section shall be deemed guilty of a misdemeanor. The mine foreman shall measure the ventilation at least once a week, at the inlet and outlet, and also at or near the face of all the entries, and the measurement of air so made shall be noted on blanks furnished by the inspector; and on the first day of each month the mine boss of each mine shall sign one of such blanks, properly filled with the said actual measurement, and present the same to the inspector, and any mining boss making false returns of such air measurement shall be deemed guilty of a misdemeanor. Every person having charge of any mine, whenever loss of life occurs by accident connected with the workings of such mines, or by explosion, shall give notice thereof forthwith, by mail or otherwise, to the inspector, and to the coroner of the county in which such mine is situated, and the coroner shall hold an inquest upon the body of the person or persons whose death has been caused, and inquire carefully into the cause thereof, and shall return a copy of the finding and all the testimony to the inspector. The owner, agent or manager of every mine shall, within twenty-four hours next after any accident or explosion, whereby loss of life or personal injury may have been occasioned, send notice, in writing, to the inspector, and shall specify in such notice the character and cause of the accident, and the name or names of the persons killed and injured, with the extent and nature of the injuries sustained; when any personal injury, of which notice is required to be sent under this section, results in the death of the person injured, notice in writing shall be sent to the inspector within twenty-four hours after such death comes to the knowledge of the owner, agent or manager; and when loss of life occurs in any mine by explosion, or accident, the owner, agent or manager of such mine shall notify the inspector forth-

with of the fact, and it shall be the duty of the inspector to go himself, or send a representative, at once to the mine in which said death occurred, and inquire into the cause of the same, and to make a written report, fully setting forth the condition of the part of the mine where such death occurred, and the cause which led to the same; which report shall be filed by the inspector in his office as a matter of record, and for future reference. For any injury to person or property, occasioned by any willful or intentional violation of this act, or any willful failure to comply with its provisions by any owner, agent or manager of the mine, a right of action shall accrue to the party injured for any direct damage he may have sustained thereby; and, in any case of loss of life by reason of such willful neglect of [or] failure aforesaid, a right of action shall accrue to the personal representative of the deceased, as in other actions for wrongful death for like recovery of damages for the injury sustained.

SEC. 7. The owner, agent or manager of any mine shall also give notice to the inspector in any or all of the following cases: 1. When any working is commenced for the purpose of opening a new shaft, slope or mine, to which this act applies. 2. When any mine is abandoned, or the working thereof discontinued. 3. When the working of any mines is recommenced after an abandonment or discontinuance for a period exceeding three months. 4. When a squeeze or crush, or any other cause or change, may seem to affect the safety of persons employed in the mine, or when fire occurs. No boy under twelve years of age shall be allowed to work in any mine, and in all cases of minors applying for work, the agent of such mine shall see that the provisions of this section are not violated; and the inspector may, when doubt exists as to the age of any minors found working in any mine, qualify and examine the said minor, or his parents as to his age. In case any coal miner does not, in appliances for the safety of the persons working therein, conform to the provisions of this act, or the owner or agent disregard the requirements of this act, any court of competent jurisdiction may, on application of the inspector, by civil action in the name of the State, enjoin or restrain the owner or agent from working or operating such mine until it is made to conform to the provisions of this act; and such remedy shall be cumulative, and shall not take the place of or affect any other proceedings against such owner or agent authorized by law for the matter complained of in such action.

SEC. 8. The provisions of this act shall not apply or affect any mine in which not more than ten men are employed at the same time; but the inspector shall at all times have free ingress to such mines for the purpose of examination and inspection and shall direct and enforce any regulation in accordance with the provisions of this act that he may deem necessary for the safety of the health and lives of the miners employed therein; whosoever knowingly violates any of the provisions of this act or does anything whereby the life or health of the persons or the security of any mine and machinery are endangered, or any miner or other person employed in any mine governed by the statutes, who intentionally or willfully neglects or refuses to securely prop the roof of any working place under his control, or neglects or refuses to obey any orders given by the superintendent of a mine in relation to the security of a mine in the part thereof where he is at work and for fifteen feet back of his working place, or any miner, workman or other person who shall knowingly injure any water gauge, barometer, air-course or brattice, or shall obstruct or throw open any air-ways, or shall handle or disturb any part of the machinery of the hoisting engine or signaling apparatus or wire connected therewith, or air-pipes or fittings, or open a door of the mine and not have the same closed again whereby danger is produced either to the mine or those that work therein, or who shall enter any part of the mine against caution, or who shall disobey any order given in pursuance of this act, or who shall do any willful act whereby the lives and health of the persons working in the mines or the security of the mine or the machinery thereof is endangered, or person having charge of a mine whenever loss of life occurs by accident connected with the machinery of such mine or by explosion, who neglects or refuses to give notice thereof forthwith by mail or otherwise to the inspector and to the coroner of the county in which such mine is situated, or any such coroner who neglects or refuses to hold an inquest upon the body of the person whose death has been thus caused, and return a copy of his findings and a copy of all the testimony to the inspector, shall be guilty of a misdemeanor, and upon conviction fined not less than fifty dollars or imprisoned in the county jail not more than thirty days or both. The owner, agent or operator of every coal mine shall keep a supply of timber constantly on hand, and shall deliver the same to the working place of the miner, and no miner shall be held responsible for accident which may occur in the mine where the provisions of this section have not been complied with by the owner, agent or operator thereof, resulting directly or indirectly [from] the failure to deliver such timber.

SEC. 9. This act shall be in force from and after its ratification.
Ratified the 9th day of March, A. D. 1897.

VOL. II.—PRIVATE LAWS.

CHAPTER 56.—*Fellow-servant act—Railroad companies.*

[NOTE.—This chapter was published in Bulletin of the Department of Labor No. 11, page 547, and is therefore omitted here.]

NORTH DAKOTA.

ACTS OF 1897.

CHAPTER 108.—*Convict labor.*

SECTION 1. No person in any prison, penitentiary, or other place for the confinement of offenders in said State, shall be required or allowed to work while under sentence thereto, at any trade, industry or occupation wherein or whereby his work, or the product or profit of his work, shall be farmed out, contracted and given, or sold to any person, firm, association or corporation; but this act shall not be so construed so as to prevent the product of the labor of convicts from being disposed of to the State, or any political division thereof, or to any public institution owned or managed by the State or any political division thereof for their own use; *Provided*, That nothing in this act shall prohibit the use of convict labor by the State in carrying on any farming operations or in the manufacture of brick, or prohibits the State from disposing of the proceeds of such enterprises.

SEC. 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after November 1, A. D. 1897.

Approved March 2d, 1897.

UTAH.

ACTS OF 1897.

CHAPTER 11.—*Seats for female employees.*

SECTION 1. The proprietor, manager or person having charge of any store, shop, hotel, restaurant or other place where women or girls are employed as clerks or help therein, shall provide chairs, stools or other contrivances where such clerks or help may rest when not employed in the discharge of their respective duties.

SEC. 2. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor.

SEC. 3. This act shall take effect upon approval.

Approved February 24th, 1897.

CHAPTER 19.—*Weighing coal at mines.*

SECTION 1. The owners, agent or operator, of every coal mine in this State, at which the miners are paid by weight, shall provide at such mines suitable and accurate scales of standard manufacture for the weighing of all coal which shall be hoisted or delivered from such mines: *Provided*, That when coal is weighed in the miner's car, such car shall be brought to a standstill on the scales before the weight is taken.

SEC. 2. The owner, agent or operator of such mine shall require the person authorized to weigh the coal delivered from said mine to be sworn before some person having authority to administer an oath, to keep the scales correctly balanced, to accurately weigh and to correctly record the gross or screened weight to the nearest ten pounds of each miner's car of coal delivered from such mine, and such oath shall be kept conspicuously posted at the place of weighing. The record of the coal mined by each miner shall be kept separate, and shall be opened to his inspection at all reasonable hours, and also for the inspection of all other persons pecuniarily interested in such mine.

SEC. 3. In all coal mines in this State the miners employed and working therein may furnish a competent check-weighman at their own expense, who shall at all proper times have full right of access and examination of such scales, machinery or apparatus and seeing all measures, and weights of coal mined and accounts kept of the same, *Provided*, That not more than one person on behalf of the miners collectively shall have such right of access, examination and inspection of scales, measures and accounts at the same time, and that such persons shall make no unnecessary inter-

ference with the use of such scales, machinery or apparatus. The agent of the miners as aforesaid shall, before entering upon his duties, make and subscribe to an oath before some officer duly authorized to administer oaths, that he is duly qualified and will faithfully discharge the duties of check-weighman. Such oath shall be kept conspicuously posted at the place of weighing.

SEC. 4. Any person, company or firm having or using any scale or scales for the purpose of weighing the output of coal at mines so arranged or constructed that fraudulent weighing may be done thereby, or who shall knowingly resort to or employ any means whatsoever by reason of which such coal is not correctly weighed or reported in accordance with the provisions of this act; or any weighman or check-weighman who shall fraudulently weigh or record the weights of such coal, or connive at or consent to such fraudulent weighing, shall be deemed guilty of a misdemeanor.

SEC. 5. Any person, owner or agent operating a coal mine in this State who shall fail to comply with the provisions of this act, or who shall obstruct or hinder the carrying out of its requirements, shall be deemed guilty of a misdemeanor; *Provided*, That the provisions of this act shall apply only to coal mines in which ten or more miners are employed in a period of twenty-four hours.

SEC. 6. It shall be the duty of the coal mine inspector, in addition to his other duties, to examine all scales used at any coal mine in the State for the purpose of weighing coal taken out of such mine; and on inspection, if found incorrect, he shall notify the owner or agent of any such mine that such scales are incorrect; and after such notice it shall be unlawful for any owner or agent to use, or suffer the same to be used, until such scales are so fixed that the same will give the true and correct weight. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor.

Approved March 6th, 1897.

CHAPTER 50—SUBCHAPTER 8.—*Protection of employees as voters.*

SECTION 7. * * * It shall [be] unlawful for any employer, either corporation, association, company, firm or person in paying its, their or his employees the salary or wages due them, to inclose their pay in "pay envelopes" on which there is written or printed any political mottoes, devices or arguments, containing threats, express or implied, intended or calculated to influence the political opinion, views, or action of such employees.

Nor shall it be lawful for any employer, either corporation, association, company, firm or person, within ninety days of any election provided by law, to put up or otherwise exhibit in its, their, or his factory, workshop, mine, mill, boarding house, office, or other establishment or place where its, their, or his employees may be working or be present in the course of such employment, any handbill, notice, or placard, containing any threat, notice, or information, that in case any particular ticket or candidate shall or shall not be elected, work in its, their, or his establishment shall cease in whole or in part, or its, their, or his establishment be closed, or the wages of its, their, or his workmen be reduced; or other threats, express or implied, intended or calculated to influence the political opinions or actions of its, their, or his employees.

Any person or persons, or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and any person, whether acting in his individual capacity or as an officer or agent of any corporation, so guilty of such misdemeanor shall be punished as hereinafter prescribed.

SEC. 8. It shall be unlawful for any corporation or any officer or agent of any corporation to influence or attempt to influence, by force, violence, or restraint, or by indicting or threatening to inflict any injury, damage, harm, or loss, or by discharging from employment or promoting in employment, or by intimidation, or otherwise in any manner whatever to induce or compel any employee to vote or refrain from voting at any election provided by law, or to vote or refrain from voting for any particular person or persons, measure or measures, at any such election. Any such corporation, or any officer or agent of such corporation, violating any of the provisions of this section shall be deemed guilty of a misdemeanor and be subject to the penalty hereinafter provided, and in addition thereto, any corporation violating this section shall forfeit its charter and right to do business in this State.

SEC. 19. Any person entitled to a vote at a general election held within this State, shall, on the day of such election, be entitled to absent himself from any employment in which he is then engaged or employed for a period of two hours between the time of opening and the time of closing the polls, and any such absence shall not be sufficient reason for the discharge of any such person from such service or employment, and such voter shall not, because of so absents himself, be liable to any penalty, nor shall any deduction be made on account of such absence, from his usual salary or wages except when such employee is employed and paid by the hour; *Provided*, That application shall be made for such leave of absence prior to the day of

election. The employer may specify the hours during which such employee may absent himself as aforesaid. Any person or corporation who shall refuse to his or its employees the privilege hereby conferred, or who shall subject an employee to a penalty or reduction of wages because of the exercise of such privilege, or who shall, directly or indirectly violate the provisions of this title shall be deemed guilty of a misdemeanor.

SEC. 21. All acts, omissions, and neglects of any person, official, or corporation, made an offense by the provisions of this title [sections 7, 8, and 19 above], and the punishment for which is not expressly designated, shall be punished by a fine of not less than one hundred nor more than one thousand dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment, and shall also forfeit the right to vote at such election; and any elector whose right to vote shall be challenged for such cause shall be required to swear or affirm that the matter of the challenge is untrue, before his vote shall be received. Any person so offending against any provision of this title is a competent witness against any other person so offending, and may be compelled to attend and testify upon any trial, hearing, proceeding or investigation in the same manner as any other person. But the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying except for perjury in giving such testimony. A person so testifying shall not thereafter be liable to indictment, prosecution, or punishment for the offense with reference to which his testimony was given, and may plead or prove the giving of testimony accordingly, in bar of such indictment or prosecution.

SEC. 22. The provisions of this chapter shall extend, so far as applicable, to all elections provided by law, special, general, municipal or school.

Approved March 11th, 1897.

CHAPTER 63.—*Establishment of a branch of the State Miners' Hospital.*

SECTION 1. There shall be established at Park City, Summit County, a branch of the State Miners' Hospital for the treatment of the sick and disabled miners of the State, to be known as the Branch of the State Miners' Hospital.

SEC. 2. The government and control of the Branch of the State Miners' Hospital shall be vested in a board of commissioners to consist of the governor and two other members appointed by the governor, by and with the consent of the senate, who shall be known as the board of commissioners of the Branch of the State Miners' Hospital.

SEC. 3. The board may contract and be contracted with, and may sue and be sued, in all matters concerning the hospital. It may take and hold by purchase, gift, bequest, or devise real and personal property required for its uses, and it may convert property and credits received by gift, bequest, or devise and not suitable for its use into money and property available for its uses.

SEC. 4. The board may appoint a secretary, a treasurer, a medical superintendent, and such other officers as it may deem necessary, and may make by-laws for its own government, and shall have general control and management of the affairs of the hospital. A majority of the members of the board shall constitute a quorum for the transaction of business.

SEC. 5. The board may remove any officer or employee of the hospital by a majority vote of its number, for neglect of duty or for refusal to comply with the by-laws made for the establishment and government of the institution.

SEC. 6. On or before the first day of January of each year, the board shall certify to the State auditor the number of indigent patients, the number of pay patients, and the number of patients who pay in part, and also the amount paid by each.

SEC. 7. Application for admission to the hospital must be made to the medical superintendent under such rules and regulations as the board may establish.

SEC. 8. In case a person received into the hospital shall be possessed of property sufficient to pay the costs of treatment, or any part of the same, he shall be admitted on such terms as the board may fix: *Provided*, That the hospital shall be free to any indigent miner.

SEC. 9. The relatives or friends of any patient in the hospital may pay any portion or all of his expenses therein. Patients who desire it, and shall be able to pay the expenses thereof, may be provided with a special attendant or have such other special care as the superintendent may deem expedient.

SEC. 10. No patient having an infectious or contagious disease shall be admitted into the hospital.

SEC. 11. This act shall take effect only upon condition that there shall be donated and conveyed to the State a suitable site for such hospital, to be subject to the approval of the board of commissioners hereinbefore provided for, and on the further condition that there shall be donated and actually paid to the said board of commissioners the sum of five thousand dollars as a fund to assist in the building of the hospital herein provided for.

SEC. 12. The sum of five thousand dollars is hereby appropriated to be used under the direction and control of the said board of commissioners in the erection of a building for such hospital.

The board of commissioners may expend in the maintenance of the hospital such sums as may be paid into the same by patients, and may also receive gifts, bequests, and devises of personal and real estate and apply the same, or the proceeds thereof, according to the intention of the donors, for the use and benefit of the hospital.

The board shall make semiannual report to the governor of all its transactions.

Approved March 11th, 1897.

WASHINGTON.

ACTS OF 1897.

CHAPTER 17.—*Competent men only to be employed on street railways.*

SECTION 1. Hereafter street railways or street car companies or street car corporations, shall employ none but experienced and competent men to operate or assist as conductor, motorman or gripman, in operating cars or dummies upon any street railway or street car line in this State.

SEC. 2. Any violation of section 1 of this act by the president, secretary, manager, superintendent, assistant superintendent, stockholder, or other officer or employee of any company or corporation owning or operating any street railway or street car lines, or any receiver of street railways or street car companies, or street railway or street car corporations appointed by any court within this State to operate such car line shall, upon conviction thereof be deemed guilty of a misdemeanor, and subject the offender for such offense to a fine in any amount of not less than \$50, nor more than \$200, or imprisonment in the county jail for a term of thirty (30) days, or both such fine and imprisonment, at the discretion of the court.

Approved by the governor February 18, 1897.

CHAPTER 22.—*Wages preferred in administration.*

SECTION 1. Section 1075 of volume 2 of Hill's Annotated Statutes and Codes of Washington, is hereby amended to read as follows: Section 1075. The debts of the estate shall be paid in the following order:

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4th. Wages due for labor performed within ninety days immediately preceding the death of decedent.

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Approved by the governor February 25, 1897.

CHAPTER 29.—*Bureau of labor.*

SECTION 1. A commissioner of labor and one assistant commissioner to act as factory, mill and railroad inspector, shall be appointed by the governor; they, together with the inspector of coal mines, shall constitute a bureau of labor. On the first Monday in April, 1897, and every four years thereafter, the governor shall appoint two suitable persons, one to act as commissioner of labor, with headquarters at the capital, and the other appointee to act as factory, mill and railroad inspector, both of whom shall hold office until their successors are appointed and qualified.

SEC. 2. It shall be the duty of the officers and employees of the said bureau to cause to be enforced all laws regulating the employment of children, minors and women; all laws established for the protection of the health, lives and limbs of operators in workshops, factories, mills and mines, on railroads and in other places, and all laws enacted for the protection of the working classes, and declaring it a misdemeanor on the part of employers to require as a condition of employment the surrender of any right of citizenship, laws regulating and prescribing the qualifications of persons in trades and handicrafts, and similar laws now in force or hereafter to be enacted. It shall also be the duty of the officers and employees of the bureau to collect, assort, arrange and present in biennial reports to the legislature, on or before the first Monday in January, statistical details relating to all departments of labor in the State; to the subjects of cooperation, strikes or other labor difficulties; to trade unions and other labor organizations and their effects upon labor and capital; and to such other matters relating to the commercial, industrial, social, educational, moral and sanitary conditions of the laboring classes, and the permanent prosperity of the respective industries of the State as the bureau may be able to gather. In

biennial reports the bureau shall also give an account of all proceedings of its

officers and employees which have been taken in accordance with the provisions of this act or of any other acts herein referred to, including a statement of all violations of law which have been observed, and the proceedings under the same, and shall join with such account such remarks, suggestions and recommendations as the commissioner may deem necessary.

SEC. 3. It shall be the duty of every owner, operator or manager of every factory, workshop, mill, mine or other establishment where labor is employed, to make to the bureau, upon blanks furnished by said bureau, such reports and returns as the said bureau may require, for the purpose of compiling such labor statistics as are authorized by this act, and the owner or business manager shall make such reports and returns within the time prescribed therefor by the commissioner of labor, and shall certify to the correctness of the same. In the reports of said bureau no use shall be made of the names of individuals, firms or corporations supplying the information called for by this section, such information being deemed confidential and not for the purpose of disclosing personal affairs, and any officer, agent or employee of said bureau violating this provision shall forfeit a sum not exceeding five hundred dollars, or be imprisoned for not more than one year.

SEC. 4. The commissioner or either inspector of the bureau of labor shall have the power to issue subpoenas, administer oaths and take testimony in all matters relating to the duties herein required by such bureau, such testimony to be taken in some suitable place in the vicinity to which testimony is applicable. Witnesses subpoenaed and testifying before any officer of the said bureau shall be paid the same fees as witnesses before a superior court, such payment to be made from the contingent fund of the bureau. Any person duly subpoenaed under provisions of this section who shall willfully neglect or refuse to attend or testify at the time and place named in the subpoena shall be guilty of misdemeanor, and, upon conviction thereof, before any court of competent jurisdiction, shall be punished by a fine not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not exceeding thirty days.

SEC. 5. The commissioner of labor, or any inspector or employee of the bureau of labor, shall have power to enter any factory, mill, mine, office, workshop or public or private works at any time for the purpose of gathering facts and statistics such as are contemplated by this act, and to examine into the methods of protection from danger to employees, and the sanitary condition in and around such buildings and places, and make a record thereof, and any owner or occupant of said factory, mill, mine, office or workshop or public or private works, or his agent or agents, who shall refuse to allow an inspector or employee of the said bureau to so enter, shall be deemed guilty of misdemeanor, and upon conviction thereof, before any court of competent jurisdiction, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or be imprisoned in the county jail not to exceed ninety days, for each and every offense.

SEC. 6. No report or return made to the said bureau in accordance with the provisions of this act, and no schedule, record or documents gathered or returned by the commissioners or inspectors, shall be destroyed within two years of the receipt or collection thereof, such reports, schedules and documents being declared public documents. At the expiration of the period of two years above referred to in this section, all records, schedules and papers accumulating in the said bureau that may be considered of no value by the commissioner may be destroyed: *Provided*, The authority of the governor be first obtained for such destruction.

SEC. 7. In addition to the bureau of labor the commissioner of labor, by and with the consent of the governor, shall have the power to employ such other assistants and incur such other expense as may be necessary to discharge the duties of said bureau; such assistants shall be paid for the service rendered such compensation as the commissioner of labor may deem proper, but no such assistant shall be paid more than three dollars (\$3) per day and his necessary traveling expenses.

SEC. 8. The biennial reports of the bureau of labor, provided for by section 2 of this act, shall be printed in the same manner and under the same regulations as the reports of the executive officers of the State: *Provided*, That not less than five hundred copies of the report shall be distributed, as the judgment of the commissioner may deem best. The blanks and other stationery required by the bureau of labor in accordance with the provisions of this act shall be furnished by the secretary of state, and paid for from the printing fund of the State.

SEC. 9. The salary of the commissioner of labor, provided for by this act, shall be twelve hundred dollars (\$1,200) per annum. The salary of the factory, mill and railway inspector shall be twelve hundred dollars (\$1,200) per annum, and they shall be allowed their actual and necessary traveling expenses.

SEC. 10. There is hereby appropriated out of any money in the treasury, not otherwise appropriated, the sum of eight thousand dollars (\$8,000), or so much thereof as may be necessary to carry out the provisions of this act.

Approved by the governor March 3, 1897.

CHAPTER 44.—*Contractor's bond, security for wages of employees.*

SECTION 1. Section 2415, volume 1, Hill's Annotated Code of Washington, is hereby amended to read as follows: Whenever any board, council, commission, trustees or body acting for the State or any county or municipality or other public body shall contract with any person or corporation to do any work for the State, county or municipality, or other public body, city, town or district, such board, council, commission, trustees or body shall require the person or persons with whom such contract is made to make, execute and deliver to such board, council, commission, trustees or body a good and sufficient bond, with two or more sureties, conditioned that such person or persons shall pay all laborers, mechanics and subcontractors and material men, and all persons who shall supply such person or persons or subcontractors with provisions and supplies for the carrying on of such work, all just debts, dues and demands incurred in the performance of such work, which bond shall be filed with the county auditor of the county where such work is performed or improvement made, and, any person or persons performing services or furnishing material to any subcontractor shall have the same right under the provisions of such bond as if such work, services or material was furnished to the original contractor.

Approved by the governor March 6, 1897.

CHAPTER 45.—*Inspection and regulations of coal mines.*

SECTION 1. For the purposes of this act, this State shall be divided into inspection districts, each district to contain not less than ten nor more than sixty coal mines, each district to be under the supervision of an inspector of coal mines, the manner of whose appointment shall be as follows: *Provided*, That there shall be appointed but one inspector until sixty coal mines shall be in operation in this State. The governor shall, upon the recommendation of a board, to be by him selected and appointed for the purpose of examining candidates for appointment to the office of mine inspector under the provisions of this act, appoint a properly qualified person or persons to fill the office of inspector of coal mines for this State. The commissions of said inspector or inspectors shall be for the term of four years, and inspectors shall be at all times subject to removal from office for neglect of duty or malfeasance in the discharge of their duties. Said board shall consist of one practical coal miner, one owner or operator of a coal mine, and one mining engineer, all of whom shall be sworn to a faithful discharge of their duties. The said inspectors shall be citizens of the State of Washington, and shall have had at least five years' practical experience in coal mining. Such person or persons so appointed as inspector shall devote their entire time to the duties of the office, and shall possess other qualifications at present defined by the laws of the State of Washington, and not inconsistent with the provisions of this act. Each of such inspectors shall give bond in the sum of two thousand dollars, with sureties to be approved by a judge of a superior court of the county in which he resides, conditioned for the faithful performance of his duties, and take an oath (or affirmation) to discharge his duties impartially and with fidelity, to the best of his knowledge and ability. The salary of each of such inspectors shall be fifteen hundred dollars (\$1,500) per annum, and he shall have in addition thereto his actual mileage paid out for traveling while in the performance of his duties under the provisions of this act, and the auditor of the State is hereby authorized and directed to draw his warrant on the State treasurer in favor of each of such inspectors for the amount due them for their salaries quarterly, to be paid out of any moneys in the treasury not otherwise appropriated.

SEC. 2. The board of examiners provided for in the next preceding section, shall be appointed by the governor and shall hold office for four years. They shall meet immediately after the passage of this act, at the State capital, for the purpose of examining candidates for the office of mine inspector under the provisions of this act, and at such times thereafter when notified by the governor that from any cause the office of mine inspector has or is about to become vacant. They shall receive as compensation five dollars per day while actually and necessarily employed, and five cents per mile for distance necessarily traveled.

SEC. 3. Where a mine has only one means of ingress and egress, a daily record must be kept by the owner or person in charge of said mine, showing the actual number and the names of each and every person entering the mine for any purpose whatever, and should a greater number of persons than twenty-four be allowed in the mine, under any circumstances, at any time, it shall be the duty of any judge of the superior court of the county in which said mine is situate, when it shall be shown to the satisfaction of said court that more than twenty-four persons were allowed in said mine at any one time, to issue an order closing said mine until a second opening is completed.

SEC. 4. The owner, agent or operator of every coal mine, whether operated by shafts, slopes or drifts, shall provide in every coal mine a good and sufficient amount

of ventilation for such persons and animals as may be employed therein, the amount of air in circulation to be in no case less than one hundred cubic feet per minute for each man, boy, horse or mule employed in said mine, and as much more as the inspector may direct, and said air must be made to circulate through the shafts, levels, stables and working places of each mine, and on the traveling roads to and from all such working places. Every mine shall be divided into districts or splits, and not more than seventy-five persons shall be employed at any one time in each district or split: *Provided*, That where the inspector gives permission in writing a greater number than seventy-five men, but not to exceed one hundred men may be employed in each of said splits: *Provided also*, That in all mines already developed, where, in the opinion of the mining inspector, the system of splitting the air can not be adopted except at extraordinary or unreasonable expense, such mine or mines will not be required to adopt said split air-system, and the owner or operator of any coal mine shall have the right of appeal from any order requiring the air to be split, to the examining board provided for in section 1 of this act, and said board shall, after investigation, confirm or revoke the orders of the mining inspector. Each district or split shall be ventilated by a separate and distinct current of air, conducted from the downcast through said district, and thence direct to the upcast. On all main roads where doors are required, they shall be so arranged that when one door is open the other shall remain closed, so that no air shall be diverted. In all mines where fire-damp is generated, every working place shall be examined every morning with a safety lamp by a competent person, and a record of such examination shall be entered by the person making the same in a book to be kept at the mine for that purpose, and said book must always be produced for examination at the request of the inspector.

SEC. 5. The quantities of air in circulation shall be ascertained with an anemometer; such measurements shall be made by the mine inspector at the inlet and outlet air-ways, also at or near the face of each gangway, and at the nearest cross-heading to the face of the inside and outside chamber, breast or pillar where men are employed, and the headings shall not be driven more than sixty feet from the face of each chamber, breast or pillar, unless for the reason that he deems the same practicable, the inspector gives permission in writing to extend the distance beyond sixty feet.

SEC. 6. No coal mine shall be considered a coal mine for the purpose of enumeration in a district to increase the number of inspectors unless ten men or more are employed at one time in or about the mine, nor shall mines employing less than ten men be subject to the provisions of this act. It shall be the duty of the owner, agent or operator of any mine employing less than ten men in or about said mine to immediately notify the inspector when ten men or more are employed at any one time, said notice to be given within one week. Failure on the part of any owner, agent or operator to comply with this provision shall render the offender liable to a fine of not less than twenty dollars or more than one hundred dollars, with an additional penalty of five dollars per day for each day said notice is neglected to be given.

SEC. 7. It shall be the duty of the inspector of mines to enforce the provisions of this act, and of all other acts for the regulation of coal mines, in accordance with section 2230, vol. 1, Hill's Code, and any infringement of the provisions of this act shall subject the offender to the same penalties as are provided in section 2232, and 2238 of vol. 1, Hill's Code, unless otherwise provided for in this act.

SEC. 8. If at any time the ventilating machinery should break down or otherwise cease operation, or if it is found by the person for the time being in charge of the mine, or any part thereof, that by reason of noxious gases prevailing in such mine, or such part thereof, or of any cause whatever, the mine or said part is dangerous, every workman shall be withdrawn from the mine, or such part thereof as is so found dangerous, and a competent person, who shall be appointed for the purpose, shall inspect the mine or such part thereof as is so found dangerous, and if the danger arises from inflammable gas, shall inspect the same with a locked safety lamp, and in every case shall make a true report of the condition of such mine, or the part thereof, and a workman shall not, except in so far as is necessary for inquiring into the cause of danger, or for the removal thereof, or for exploration, be readmitted into the mine, or such part thereof as was so found dangerous, until the same is stated in such report not to be dangerous. Every such report shall be recorded in a book which shall be kept at the mine for that purpose, and shall be signed by the person making the same.

SEC. 9. The engineer in charge of any ventilating fan or apparatus must keep the same running as the manager of the mine directs in writing. In case of accident to the boiler of fan machinery, he shall immediately notify the mine manager or foreman. If ordinary repairs of the fan or machinery become necessary, he must give timely notice to the mine manager or foreman and await his instructions before stopping it. He shall also examine, at the beginning of each shift, all the fan bearings, stays and other parts, and see that they are kept in perfect working order. He

shall not stop the fan except on the order of the mine manager or foreman, unless it should become impossible to run the fan or necessary to stop it to prevent destruction. He shall then at once stop it and notify the mine manager or foreman immediately and give immediate warning to persons in the mine.

Approved by the governor March 6, 1897.

CHAPTER 47.—*Trade-marks of trade unions, etc.*

SECTION 1. Whenever any person, or any association or union of workmen has heretofore adopted or used, or shall hereafter adopt or use, and has filed as hereinafter provided any label, trade-mark, term, design, device or form of advertisement for the purpose of designating, making known, or distinguishing any goods, wares, merchandise or other product of labor, as having been made, manufactured, produced, prepared, packed or put on sale by such person or association or union of workmen or by a member or members of such association or union, it shall be unlawful to counterfeit or imitate such label, trade-mark, term, design, device or form of advertisement, or to use, sell, offer for sale, or in any way utter or circulate any counterfeit or imitation of any such label, trade-mark, term, design, device or form of advertisement.

SEC. 2. Whoever counterfeits or imitates any such label, trade-mark, term, design, device or form of advertisement, or sells, offers for sale, or in any way utters or circulates any counterfeit or imitation of any such label, trade-mark, term, design, device or form of advertisement; or keeps or has in his possession, with intent that the same shall be sold or disposed of, any goods, wares, merchandise or other product of labor to which or on which any such counterfeit or imitation is printed, painted, stamped or impressed; or knowingly sells or disposes of any goods, wares, merchandise or other product of labor contained in any box, case, can or package, to which or on which any such counterfeit or imitation is attached, affixed, printed, painted, stamped or impressed; or keeps or has in his possession, with intent that the same shall be sold or disposed of, any goods, wares, merchandise or other product of labor, in any box, case, can or package, to which or on which any such counterfeit or imitation is attached, affixed, printed, painted, stamped or impressed, shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than three months.

SEC. 3. Every such person, association or union, that has heretofore adopted or used, or shall hereafter adopt or use, a label, trade-mark, term, design, device or form of advertisement, as provided in section one of this act, may file the same for record in the office of the secretary of state by leaving two copies, counterparts or facsimiles thereof, with said secretary, and by filing therewith a sworn application specifying the name or names of the person, association or union on whose behalf such label, trade-mark, term, design, device or form of advertisement shall be filed, the class of merchandise and a description of the goods to which it has been, or is intended to be appropriated, stating that the party so filing or on whose behalf such label, trade-mark, term, design, device or form of advertisement shall be filed, has the right to the use of the same, that no other person, firm, association, union or corporation has the right to such use either in the identical form or in any such near resemblance thereto as may be calculated to deceive, and that the facsimile or counterparts filed therewith are true and correct. There shall be paid, for such filing and recording, a fee of two dollars. Said secretary shall deliver to such person, association or union so filing or causing to be filed any such label, trade-mark, term, design, device or form of advertisement, so many duly attested certificates of the recording of the same as such person, association or union may apply for, for each of which certificates said secretary shall receive a fee of one dollar. Any such certificate of record shall, in all suits and prosecutions under this act, be sufficient proof of the adoption of such label, trade-mark, term, design, device or form of advertisement. Said secretary of state shall not record for any person, union or association, any label, trade-mark, term, design, device or form of advertisement that would probably be mistaken for any label, trade-mark, term, design, device or form of advertisement theretofore filed by or on behalf of any other person, union or association.

SEC. 4. Any person who shall, for himself, or on behalf of any other person, association or union, procure the filing of any label, trade-mark, term, design or form of advertisement in the office of the secretary of state, under the provisions of this act, by making any false or fraudulent representations or declaration, verbally or in writing, or by any fraudulent means, shall be liable to pay any damages sustained in consequence of any such filing, to be recovered by or on behalf of the party injured thereby, in any court having jurisdiction, and shall be punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding three months.

SEC. 5. Every such person, association or union adopting or using a label, trade-mark, term, design, device or form of advertisement, as aforesaid, may proceed by

suit to enjoin the manufacture, use, display or sale of any counterfeits or imitations thereof, and all courts of competent jurisdiction shall grant injunctions to restrain such manufacture, use, display or sale, and may award the complainant in any such suit damages resulting from such manufacture, use, sale or display, as may be by the said court deemed just and reasonable, and shall require the defendants to pay such person, association or union all profits derived from such wrongful manufacture, use, display or sale; and such court shall also order that all such counterfeits or imitations in the possession or under the control of any defendant in such cause be delivered to an officer of the court, or to the complainant, to be destroyed.

SEC. 6. Every person who shall use or display the genuine label, trade-mark, term, design, device or form of advertisement of any such person, association or union, in any manner, not being authorized so to do by such person, union or association, shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment for not more than three months, or by a fine of not more than one hundred (100) dollars. In all cases where such association or union is not incorporated, suits under this act may be commenced and prosecuted by an officer or member of such association or union on behalf of and for the use of such association or union.

SEC. 7. Any person or persons who shall, in any way, use the name or seal of any such person, association or union or officer thereof, in and about the sale of goods or otherwise, not being authorized to so use the same, shall be guilty of a misdemeanor, and shall be punishable by imprisonment for not more than three months, or by a fine of not more than one hundred dollars.

SEC. 8. Any person using the trade-mark so adopted and filed by any other person, or any imitation of such trade-mark, or any counterfeit thereof; or who shall, in any manner mutilate, deface, destroy or remove such trade-mark from any goods, wares, merchandise, article or articles, or from any package or packages containing the same, or from any empty or secondhand package which has contained the same or been used therefor, with the intention of using such empty or secondhand package, or of the same being used to contain goods, wares, merchandise, article or articles of the same general character as those for which they were first used; and any person who shall use any such empty or secondhand package for the purpose aforesaid, without the consent in writing of the person whose trade-mark was first applied thereto or placed thereon shall, upon conviction thereof, be fined in any sum not less than one hundred dollars, or by imprisonment for not more than three months, and the goods, wares, merchandise, article or articles, contained in any such secondhand package or packages shall be forfeited to the original user of such package or packages whose trade-mark was first applied thereto or placed thereon. The violation of any of the above provisions as to each particular article or package shall be held to be a separate offense.

SEC. 9. The word "person," in this act, shall be construed to include a person, copartnership, corporation, association or union of workmen.

SEC. 10. Sections 3125, 3126, 3127, 3128, 3129 and 3130 of volume 1, Hill's Annotated Statutes and Codes of Washington, and all acts amendatory thereof, are hereby repealed.

Approved by the governor March 9, 1897.

CHAPTER 80.—*Examination, licensing, etc., of plumbers.*

SECTION 1. Any person, firm or corporation now, or that may hereafter be engaged in, or working at the business in cities of first class, this State, either as a master or employing plumber or as a journeyman plumber, shall first secure a license therefor, in accordance with the provisions of this act.

SEC. 2. Any person desiring to engage in or work at the business of plumbing, either as a master or employing plumber, or as a journeyman plumber, in any city of 5,000 or more, shall apply to the president of the board of health or other officer having jurisdiction in the locality where he intends to engage in or work at such business, and shall at such time and place as may be designated by the board of examiners hereinafter provided for, to whom such application shall be referred, be examined as to his qualifications for such business. In case of a firm or corporation, the examination or licensing of any one member of such firm or the manager of such corporation shall satisfy the requirements of this act.

SEC. 3. There shall be in every city of the first class, having a system of water supply and sewerage, a board of examiners consisting of the president of the board of health, the inspector of plumbing of said city or town, if any there be, and three members who shall be practical plumbers (two shall be master plumbers, one shall be a journeyman plumber); the president of the board of health and the inspector of plumbing shall be members, *ex officio*, of said board and serve without compensation: *Provided*, That in localities where the required number of plumbers can not be secured, such vacancies may be filled by the appointment of reputable physicians.

Said members shall be appointed by the board of health; if there be no board of health or health officer of said city or town, the mayor of said city or town shall, within three months from and after the passage of this act, appoint said board of examiners for the term of one year, said appointment to date from the first day of July, 1897, and thereafter annually, and said appointed members of such board shall serve without compensation: *Provided*, That if in any city or town there is no inspector of plumbing, said board of health shall appoint a fourth member of said board of examiners, who shall be a practical plumber, and whose term of office shall be the same as heretofore provided for said three members.

SEC. 4. Said board of examiners shall, within ten days after the appointment of said members, meet and organize by the selection of a chairman, and shall designate the time and place for the examination of applicants desiring to engage in or at the business of plumbing within their respective jurisdictions. Said board shall examine said applicants as to their practical knowledge of plumbing, house drainage and plumbing ventilation, and if satisfied of the competency of the applicant, shall so verify [certify] to the board of health. Such board shall thereupon issue a license to such applicant, authorizing him to engage in or at the business of plumbing, either as a master or employing plumber, or as a journeyman plumber. The fee for a license for a master or employing plumber shall be \$5; for journeyman plumber shall be \$1. Said license shall be valid and have force in district where issued, and shall be renewed annually upon payment of one dollar.

SEC. 5. The board of health of each city mentioned in section three of this act shall, within three months from and after this act, appoint one or more inspectors of plumbing (if such appointment has not already been made), who shall be practical plumbers, and shall hold office until removed by such board of health for cause, which must be shown. The compensation of such inspectors shall be determined by the city council of said city, and be paid from the treasury of their respective cities. Said inspectors so appointed shall inspect all plumbing work for which permits are hereafter granted within their respective jurisdiction, in process of construction, alteration or repair, and shall report to said board of health all violations of any law, ordinance or by-law relating to plumbing work, and also perform such other appropriate duties as may be required by said board.

SEC. 6. The board of health of each city of the first class in this State having a system of water supply and sewerage shall, within three months from the passage of this act, prescribe rules and regulations for the construction, alteration and inspection of plumbing and sewerage placed in or in connection with any building in such city or town, which shall be approved by ordinance by the council of such city or town, and the board of health shall further provide that no plumbing work shall be done, except in the case of repairs or leaks, without a permit being issued first therefor, upon such terms and conditions as such board of health of said city or town shall prescribe.

SEC. 7. Any person violating any provision of this act shall be deemed guilty of a misdemeanor, and be subject to a fine not exceeding fifty (\$50) dollars, nor less than five (\$5) dollars, for each and every violation thereof. The license of any master or journeyman plumber may be at any time revoked for incompetency, dereliction of duty or other sufficient causes, after a full and fair hearing by a majority of the examining board; but an appeal may be taken from said examining board to the State board of health, and license may be revoked by the examining board provided for in section three (3) of this act.

SEC. 8. All money derived from the licenses issued to applicants shall go to defray the expense of holding such examinations and other necessary expenses of the board of health at place where examination was held.

Approved by the governor March 16, 1897.

WEST VIRGINIA.

ACTS OF 1897.

CHAPTER 59.—*Mine regulations.*

SECTION 1. Sections one, two and three of chapter seventy of the acts of one thousand eight hundred and eighty-three, as amended and re-enacted by chapter fifty of the acts of one thousand eight hundred and eighty-seven, and as further amended and re-enacted by chapter nine of the acts of one thousand eight hundred and ninety, and as further amended and re-enacted by chapter twenty-two of the acts of one thousand eight hundred and ninety-three, entitled "An act concerning the ventilation and drainage of coal mines and for the protection of the lives of persons employed therein," be amended and re-enacted so as to read as follows:

The governor of the State, by and with the consent of the senate, shall appoint

one mine inspector for each of the four mining districts created by this act, and a chief mine inspector, who shall supervise and control the mine inspection of the State of West Virginia, and the chief shall have the power to call the assistance of any one of the other four mine inspectors to any district in the State of West Virginia in case of emergency. And shall keep the reports furnished him by the four mine inspectors, and in addition thereto he shall copy said reports in a book or books by him purchased and kept for the purpose, and he shall index the same, and said books shall be open for inspection upon the request of any citizen of the State, and upon the request of the governor or attorney-general of this State, said chief mine inspector shall lay said books and reports before either of said officers, and also maps of mines furnished him by said mine inspectors.

Any chief mine inspector who shall violate any of the provisions of this act, shall, upon conviction thereof, be fined not less than twenty-five nor more than two hundred dollars, and may, in the discretion of the court, be imprisoned in the county jail not exceeding one year.

And each of the four mine inspectors shall report in writing monthly to the chief inspector, the number and condition of all the mines inspected by him during each month. The chief inspector shall have power to remove any of the four mine inspectors mentioned in this act for causes heretofore mentioned in this act, and the governor of the State shall fill all vacancies caused by removal from office.

Mine inspectors created by this act shall hold their office for the term of four years, as hereinafter provided, unless they be sooner removed, as hereinafter provided. They shall continue in office until their successors in office are appointed and qualified.

Every person so appointed must be a citizen of West Virginia, having a practical knowledge of mining and properly ventilating and draining mines, and must be a coal miner of at least six years' experience as a miner in the coal mines, and he shall not, while in office, be interested as owner, operator, agent, stockholder, superintendent or engineer of any coal mine, and he shall be of good moral character and temperate habits. An inspector of mines shall be removed from office by the chief mine inspector of this State for incompetency, neglect of duty, drunkenness, malfeasance and for other good causes.

Vacancies in office of inspectors shall be filled by appointment by the governor of the State for the unexpired term.

Every person appointed inspector of mines shall, before entering upon the discharge of the duties of his office, take the oath before some person authorized by law to administer oaths, that he will support the Constitution of the United States and the constitution of the State of West Virginia, and that he will faithfully and impartially, to the best of his ability, discharge the duties of his office and file a certificate of his having done so in the office of the secretary of state, and he shall give a bond in the penalty of two thousand dollars, with sureties to be approved by the governor of the State, conditioned that he will faithfully discharge the duties of his office.

The salary of the chief inspector shall be twelve hundred dollars per annum and not more than three hundred dollars for expenses, and the other four mine inspectors shall have one thousand dollars salary, each, per annum, and not more than three hundred dollars for expenses. Such salary and expenses shall be paid monthly out of the State treasury; *Provided*, That before payment of traveling expenses shall be made to the inspector, he shall file an account of such expenses and make out and file with the auditor that they were accrued in the discharge of his official duties.

On the first Tuesday in April, one thousand eight hundred and ninety-seven, and every four years thereafter, the governor of the State shall, with the consent of the senate, appoint one mine inspector for each of the four mining districts of the State created by this act, whose term of office shall begin when he has taken the oath of office and has given the approved bond, as required by this act, and whose term of office shall be four years, or until his successor shall be duly appointed and qualified. And it shall be his duty to visit each mine in his district at least once in every three months, and it shall be unlawful for any mine inspector to do any surveying for any mine owner or owners, during his term of office, and it shall be unlawful for any mine inspector to appoint any deputy or other person to do and perform any work required of such mine inspector, and it shall be his duty to personally perform the duties of his office hereunder.

Any mine inspector failing to comply with the requirements of this act, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars, and be dismissed from office.

The governor of the State of West Virginia, together with the chief mine inspector created by this act, shall divide the State of West Virginia into four mining districts. All acts and parts of acts, inconsistent with this act are hereby repealed.

Passed February 17, 1897. In effect ninety days from passage. Became a law over the governor's veto.

RECENT GOVERNMENT CONTRACTS.

[The Secretaries of the Treasury, War, and Navy Departments have consented to furnish statements of all contracts for constructions and repairs entered into by them. These, as received, will appear from time to time in the Bulletin.]

The following contracts have been made by the office of the Supervising Architect of the Treasury:

DETROIT, MICH.—March 8, 1898. Contract with William Wright Company, Detroit, Mich., for decorative painting of post-office, court-house, etc., \$11,333. Work to be completed within five months.

DETROIT, MICH.—March 8, 1898. Contract with A. Harvey's Sons Manufacturing Company, Detroit, Mich., for stokers and furnaces in connection with boilers for post-office, court-house, etc., \$3,400. Work to be completed within four months.

PUEBLO, COLO.—March 9, 1898. Contract with Gardner Elevator Company, Detroit, Mich., for one hydraulic passenger elevator complete for post-office, \$3,575. Work to be completed within three months.

MILWAUKEE, WIS.—March 24, 1898. Contract with Charles B. Kruse Heating Company, Milwaukee, Wis., for boiler plant, low pressure and exhaust steam heating and mechanical ventilating apparatus, etc., for post-office, court-house, and custom-house, \$54,633. Work to be completed within one hundred and ten working days.

PHILADELPHIA, PA.—March 26, 1898. Contract with George L. Remington, Philadelphia, Pa., for storage vault for silver dollars for the United States mint building, \$139,737. Work to be completed before January 1, 1899.

DENVER, COLO.—March 29, 1898. Contract with John A. McIntyre, Denver, Colo., for foundation, superstructure, and roof covering of the United States mint building, \$247,874.09. Work to be completed within fifteen months.

MILWAUKEE, WIS.—April 5, 1898. Contract with Bentley Construction Company, Milwaukee, Wis., for approaches to post-office, court-house, and custom-house, \$18,937. Work to be completed within seventy-five days.

OMAHA, NEBR.—April 6, 1898. Contract with Joseph Barborka, Iowa City, Iowa, for tower clock and bell for court-house, custom-house, and post-office, \$2,760. Work to be completed within five months.

OMAHA, NEBR.—April 7, 1898. Contract with Crane Elevator Company, Chicago, Ill., for two electric passenger elevators, one electric mail lift, and one electric ash lift for court-house, custom-house, and post office, \$8,500. Work to be completed within ninety days.

BULLETIN

OF THE

DEPARTMENT OF LABOR.

No. 17—JULY, 1898.

ISSUED EVERY OTHER MONTH.

EDITED BY
CARROLL D. WRIGHT,
COMMISSIONER.

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CHIEF CLERK.

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BULLETIN
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DEPARTMENT OF LABOR.

No. 17.

WASHINGTON.

JULY, 1898.

ECONOMIC ASPECTS OF THE LIQUOR PROBLEM.

The Twelfth Annual Report of the Commissioner of Labor is entitled *Economic Aspects of the Liquor Problem*. The act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1896, authorized the Commissioner of Labor to make an investigation relating to the above subject, providing such investigation could be carried out under the regular appropriations made for the Department of Labor.

A report on the economic aspects of the liquor problem, to cover the various phases of the subject, should consider the agricultural products and other materials used in the production of liquors; the manufacture of liquors as a distinct industry; the transportation of liquors from the place of production to that of consumption; the consumption of and the traffic in liquors; the revenue derived from the manufacture and traffic; the laws regulating the collection of revenue; the experience and practice of employers in relation to the use of intoxicants, and all the financial conditions relating to the liquor business.

The agricultural products used in the manufacture of liquors form, as a rule, a very small proportion of the total of such products, and it is therefore not possible to ascertain the capital, the number of employees, etc., represented by such portion. The transportation of liquor forms a very small proportion of the land and water transportation business of the whole country, and it is impossible to estimate the capital and number of employees represented by it. On the remaining subjects enumerated above, reliable and fairly complete data in regard to the production of liquors were found in the reports of the Commissioner of Internal Revenue and the publications of the census office. To obtain information in regard to the traffic in liquors and the revenue derived from the manufacture and traffic, as well as the experience and practice of employers in relation to the use of intoxicants, original inquiry was necessary, and it is along these lines that the main work of this investigation was done, the amount of work and its comprehensiveness being limited by the provisions of the law authorizing the investigation, that it should be conducted under the regular appropriations of the Department.

In the Twelfth Annual Report the facts ascertained by the investigation are presented under the following heads: The production of liquors; the consumption of liquors; the traffic in liquors; the revenue from the production of and the traffic in liquors; the experience and practice of employers relative to the use of intoxicants; and laws regulating the revenue derived from liquor production and traffic.

THE PRODUCTION OF LIQUORS.

Statistics concerning the number of distilleries and breweries and the quantity of distilled spirits and fermented liquors manufactured in the United States are presented in the annual reports of the Commissioner of Internal Revenue. The following table, prepared from those reports and from the Statistical Abstract of the United States, issued by the Bureau of Statistics of the Treasury Department, shows the number of distilleries in operation and breweries and the quantity of the production, also the quantity of domestic wines produced, during each fiscal year from 1880 to 1896, inclusive:

DISTILLERIES IN OPERATION AND BREWERIES AND PRODUCTION OF DISTILLED SPIRITS, FERMENTED LIQUORS, AND DOMESTIC WINES, 1880 TO 1896.

[The facts relating to distilleries and breweries are from the reports of the Commissioner of Internal Revenue; those relating to wines are estimates from the Statistical Abstract of the United States, issued by the Bureau of Statistics of the Treasury Department.]

Year ending—	Distilleries in operation.		Breweries.		Domestic wines (gallons).
	Number.	Production (gallons).	Number. (a)	Production (barrels).	
June 30, 1880.....	4,661	91,378,417	2,741	13,347,111	23,453,627
June 30, 1881.....	5,210	119,528,011	2,474	14,311,028	19,000,000
June 30, 1882.....	5,022	107,283,215	2,371	16,952,085	10,999,998
June 30, 1883.....	5,129	75,294,510	2,378	17,757,882	17,467,060
June 30, 1884.....	4,738	76,531,167	2,240	18,988,619	17,500,000
June 30, 1885.....	5,172	78,405,074	2,230	19,185,953	17,500,000
June 30, 1886.....	6,034	81,849,260	2,298	20,710,933	21,000,000
June 30, 1887.....	4,906	79,433,446	2,289	23,121,526	28,000,000
June 30, 1888.....	3,646	71,688,188	1,968	24,080,219	31,999,994
June 30, 1889.....	4,349	91,133,350	2,144	25,119,853	30,000,000
June 30, 1890.....	6,211	111,101,738	2,156	27,561,944	24,300,905
June 30, 1891.....	3,810	117,767,101	2,138	30,497,209	24,306,906
June 30, 1892.....	5,923	118,436,506	1,967	31,856,626	23,725,418
June 30, 1893.....	4,743	131,010,330	1,930	34,591,179	27,126,500
June 30, 1894.....	5,148	92,153,651	1,805	33,362,873	16,875,728
June 30, 1895.....	2,429	81,909,771	1,771	33,580,784	17,748,360
June 30, 1896.....	6,187	89,992,555	1,866	35,859,250	15,930,000

a The figures in this column are for special-tax years which up to 1890 began May 1. By act of Congress the special-tax year was made identical with the fiscal year, the law taking effect July 1, 1891.

b Obtained by dividing the amount of internal-revenue tax paid by the annual rate of tax.

The production of distilled spirits is shown to have varied greatly from year to year, beginning with 91,378,417 gallons in 1880, reaching 119,528,011 in the next year, which stood as the maximum until 1893, when it reached 131,010,330, but in the meantime falling in 1888 to the minimum for the period, when it amounted to but 71,688,188 gallons.

The production of fermented liquors seems to have made a steady growth from 13,347,111 barrels in 1880 to 35,859,250 barrels in 1896.

It can hardly be said that the tendency of this growth has been to displace distilled spirits. In fact, there is no apparent relation between the two. In 1893, the year of maximum production of distilled spirits, the production of fermented liquors reached 34,591,179 barrels, both classes making much more than a normal increase over the preceding year. In 1888, the year of minimum production of distilled spirits, the production of fermented liquors was 24,680,219 barrels, apparently about a normal quantity.

The production of domestic wines is also seen to have been fluctuating greatly, having been 23,453,827 gallons in 1880 and falling to a minimum in 1896 of 15,980,000 gallons, although in 1888 it exceeded and in 1889 equaled 30,000,000 gallons. This great fluctuation was probably largely due to the fact that the production was dependent upon a fruit crop, always a more or less uncertain element.

Statistics concerning the capital, employees, value of products, etc., of establishments engaged in the manufacture of liquors should be considered in connection with the quantity of the product. The only available data on this subject are contained in the reports of the Federal census, and the following table, prepared from those reports, presents the statistics concerning the manufacture of distilled, fermented, and vinous liquors in each State and Territory, as reported at the censuses of 1880 and 1890. In compiling the data presented in this table, no reference whatever was had to the reports of the Commissioner of Internal Revenue; therefore the values in the following table should not be compared with the quantities given in the preceding table, nor can the number of establishments given in the two tables be compared except as hereafter specified. The census tables concerning the manufacture of liquors are classified as "Distilled liquors," "Fermented liquors," and "Vinous liquors."

MANUFACTURE OF DISTILLED, FERMENTED, AND VINOUS LIQUORS, BY STATES AND TERRITORIES, 1880 AND 1890.

[From the reports of the Tenth and Eleventh censuses. The inquiries used at the census of 1890 probably resulted in obtaining a report more nearly complete than in 1880.]

States and Territories.	Year.	Estab-lish-ments report-ing.	Capital.	Average em-ployees.	Total wages.	Cost of materials.	Value of products.
Alabama	1880	1	\$3,000	3	\$510	\$3,221	\$5,170
	1890	3	438,000	102	78,240	140,609	344,988
Arizona	1880	9	35,550	6	2,140	7,824	14,343
	1890						
Arkansas	1880	11	22,100	16	1,965	14,202	22,105
	1890	14	47,075	38	7,541	11,085	52,775
California	1880	267	4,663,139	1,722	694,584	2,860,446	5,121,816
	1890	201	9,360,507	1,705	1,027,958	2,073,617	5,596,880
Colorado	1880	23	527,100	139	62,096	230,695	418,902
	1890	11	1,917,050	269	284,687	555,149	1,601,186
Connecticut	1880	23	522,600	121	57,559	334,857	562,828
	1890	24	1,725,361	302	247,033	672,500	1,748,508
Dakota	1880	10	64,400	20	8,504	31,649	57,160
	1890						
Delaware	1880	3	95,800	16	7,445	39,374	67,696
	1890	3	454,876	58	48,000	100,608	247,046
District of Columbia	1880	10	208,300	64	30,186	162,739	275,222
	1890	5	836,434	120	62,422	295,017	833,890

MANUFACTURE OF DISTILLED, FERMENTED, AND VINOUS LIQUORS, BY STATES AND TERRITORIES, 1880 AND 1890—Concluded.

States and Territories.	Year.	Estab-lish-ments report-ing.	Capital.	Average em-ployees.	Total wages.	Cost of materials.	Value of products.
Georgia	1880	26	\$106,073	56	\$16,293	\$106,384	\$172,654
	1890	42	1,006,872	312	160,975	310,817	904,696
Idaho	1880	3	15,000	4	1,180	5,307	9,103
	1890	5	16,030	15	4,434	5,265	17,580
Illinois	1880	147	9,536,451	3,762	1,689,261	13,328,132	20,598,869
	1890	95	30,076,148	3,960	2,881,969	8,545,740	65,660,783
Indiana	1880	87	3,912,489	990	437,821	3,103,446	5,018,797
	1890	54	6,215,855	1,181	780,418	1,855,113	9,677,073
Iowa	1880	126	2,269,493	746	250,354	1,155,730	2,004,296
	1890	18	1,057,292	207	136,756	294,626	780,585
Kansas	1880	33	480,700	112	36,763	148,441	263,420
	1890						
Kentucky	1880	247	7,608,116	1,877	769,964	6,351,597	9,775,077
	1890	153	14,071,953	2,589	1,204,238	4,729,717	17,790,545
Louisiana	1880	11	169,113	116	55,332	297,703	461,384
	1890	8	3,188,232	262	270,884	592,562	1,805,760
Maryland	1880	69	2,861,090	578	265,631	1,800,420	3,022,616
	1890	45	7,323,276	1,006	778,142	2,344,843	7,331,537
Massachusetts	1880	41	3,809,240	1,338	631,375	3,505,106	6,216,618
	1890	34	6,611,677	1,023	915,837	2,348,741	6,728,245
Michigan	1880	114	2,216,448	645	285,976	1,226,560	2,185,962
	1890	78	3,963,163	839	588,109	998,128	2,979,258
Minnesota	1880	102	1,395,100	437	151,712	655,680	1,165,622
	1890	66	3,625,239	658	412,682	751,907	2,200,166
Missouri	1880	93	5,632,750	1,012	758,089	3,301,439	5,761,507
	1890	50	17,413,967	3,288	2,544,662	6,875,762	19,059,055
Montana	1880	17	170,500	32	10,825	40,928	72,442
	1890	6	452,400	53	60,670	60,930	204,645
Nebraska	1880	24	627,200	193	74,438	360,100	618,670
	1890	14	1,464,211	200	106,183	357,260	1,079,865
Nevada	1880	33	180,170	59	23,363	88,488	157,551
	1890						
New Hampshire	1880	6	870,000	308	140,419	722,023	1,290,977
	1890						
New Jersey	1880	73	3,430,845	1,179	505,166	2,050,658	4,634,323
	1890	45	10,228,015	1,425	1,412,247	3,604,324	10,050,502
New Mexico	1880	5	8,300	6	1,250	3,622	7,825
	1890						
New York	1880	350	28,492,527	8,341	4,017,208	20,751,381	36,780,377
	1890	249	68,219,486	8,385	8,083,323	18,066,530	54,009,249
North Carolina	1880	175	181,040	113	20,445	167,373	259,838
	1890	55	73,560	144	35,124	53,574	255,302
Ohio	1880	221	13,739,230	3,863	1,646,012	10,227,336	16,590,860
	1890	179	24,591,010	4,155	3,294,292	8,054,866	28,484,290
Oregon	1880	23	287,500	57	24,961	92,409	167,681
	1890	13	805,135	100	89,059	165,887	613,316
Pennsylvania	1880	362	14,276,821	2,790	1,340,234	6,985,457	11,987,832
	1890	203	28,731,116	4,031	3,144,547	7,787,284	22,088,423
Rhode Island	1880	4	165,000	90	39,410	236,944	398,743
	1890	3	287,500	97	80,025	187,500	436,846
South Carolina	1880	11	81,700	16	3,702	19,692	31,945
	1890						
Tennessee	1880	66	440,673	166	52,946	397,413	614,508
	1890	36	1,446,546	308	170,709	370,362	1,240,663
Texas	1880	23	61,500	30	10,591	32,186	56,709
	1890	7	1,534,775	444	263,347	405,307	1,702,987
Utah	1880	14	153,500	50	20,719	77,011	139,239
	1890	5	150,500	46	25,685	37,206	113,531
Virginia	1880	39	435,040	107	26,585	155,455	259,302
	1890	28	99,867	63	11,027	19,450	93,132
Washington	1880	18	101,500	39	12,247	40,430	83,011
	1890	13	1,328,329	230	213,275	424,037	1,178,306
West Virginia	1880	11	422,017	121	45,242	282,161	450,190
	1890	6	833,768	181	118,992	323,894	747,402
Wisconsin	1880	269	7,647,205	1,724	841,524	3,741,734	6,614,896
	1890	110	16,820,553	3,169	1,865,400	4,830,650	14,198,777
Wyoming	1880	6	35,000	16	6,403	24,326	47,293
	1890						
All other States (a)	1880	41	1,951,571	434	265,214	904,053	7,205,835
	1890						
The United States	1880	3,152	118,037,729	33,680	15,078,570	85,921,374	144,291,241
	1890	1,924	269,270,249	41,425	31,678,166	80,230,532	289,775,639

a Includes establishments distributed as follows: Connecticut, 1; Florida, 2; Illinois, 2; Indiana, 1; Iowa, 2; Michigan, 2; Minnesota, 2; Nebraska, 1; Nevada, 2; New Hampshire, 2; New Mexico, 2; Carolina, 2; North Dakota, 1; Oregon, 1; Rhode Island, 1; South Carolina, 2; South Dakota, 1; Virginia, 2; Washington, 2; West Virginia, 2; Wisconsin, 2; Wyoming, 3.

The table on page 510 shows that there were 6,211 distilleries in operation and 2,156 breweries reported for the year 1890 by the Commissioner of Internal Revenue. The reports of the Eleventh Census for the same year give 440 establishments engaged in the manufacture of distilled liquors and 1,248 in the manufacture of fermented liquors; also 236 in the manufacture of vinous liquors. The small number of establishments reported by the census as compared with the reports of the Commissioner of Internal Revenue is explained as follows: A large proportion of the distilleries shown by the internal-revenue reports to have been in operation were small establishments engaged in distilling fruit brandies and in operation for only a short time in the fall of the year. The number of distilleries shown by the census reports is the number that was in operation at the time of the enumeration during the month of June of the respective census years, and would necessarily not include the fruit distilleries referred to. This condition may also account in part for the discrepancy in the number of breweries shown by the reports of the two offices, as the number given in the internal-revenue reports is the number paying the internal-revenue tax, irrespective of the length of time they were in operation during the year, while the number given in the census reports is the number the enumerators found in operation. The discrepancy is also accounted for in part by the fact that when two or more distilleries or breweries were owned by the same corporation, firm, or individual, and located in the same county or city, they were counted as one establishment in the census reports. In the internal-revenue reports the actual number of distilleries in operation and the number of internal-revenue stamps issued to brewers are shown. Then in all probability the census enumerators neglected to report some establishments that should have been reported.

Bearing in mind the foregoing facts in regard to the incompleteness of the census reports, the capital invested, employees, wages paid, cost of materials, and value of products may be considered. The total capital invested in the production of distilled liquors in 1890 was \$31,006,176; materials to the value of \$14,909,173 were used; wages to the amount of \$2,814,889 were paid to 5,343 employees, and the value of the products was \$104,197,869. In the manufacture of fermented liquors \$232,471,290 was invested; \$64,003,347 was the cost of the materials used; 34,800 employees were paid wages to the amount of \$28,382,544, and the total value of the products was \$182,731,622. In the manufacture of vinous liquors the capital invested was \$5,792,783; the materials used cost \$1,318,012; the wages paid the 1,282 employees amounted to \$480,733, and the value of the products was \$2,846,148.

For the three classes of liquors the total capital invested was \$269,270,249; the cost of materials used was \$30,230,532; the wages paid the 41,425 employees amounted to \$31,678,166, and the total value of the products was \$289,775,639.

Although 3,152 establishments were reported in 1880, and but 1,924 in 1890, capital, wages paid, and value of products had more than doubled in 1890.

The following table, prepared from the reports of the Commissioner of Internal Revenue, giving the number of grain, molasses, and fruit distilleries registered and in operation and the number of breweries for each fiscal year from 1880 to 1896, shows the extent to which the small fruit distilleries have entered into the total for each year:

NUMBER OF DISTILLERIES AND BREWERIES, 1880 TO 1896.

[From the reports of the Commissioner of Internal Revenue.]

Year ending--	Distilleries.								Brew- eries. (a)	Total distil- leries oper- ated and brew- eries.
	Grain.		Molasses.		Fruit.		Total.			
	Regis- tered.	Oper- ated.	Regis- tered.	Oper- ated.	Regis- tered.	Oper- ated.	Regis- tered.	Oper- ated.		
June 30, 1880.....	1,050	997	7	7	3,710	3,657	4,767	4,661	2,741	7,402
June 30, 1881.....	1,301	1,240	7	7	3,964	3,963	5,272	5,210	2,474	7,684
June 30, 1882.....	1,147	934	7	7	4,081	4,081	5,235	5,022	2,371	7,393
June 30, 1883.....	1,250	1,096	7	7	4,626	4,626	5,283	5,129	2,378	7,507
June 30, 1884.....	1,291	1,078	7	7	3,658	3,653	4,956	4,738	2,240	6,978
June 30, 1885.....	1,195	918	9	9	4,295	4,245	5,490	5,172	2,230	7,402
June 30, 1886.....	1,132	950	9	9	5,101	5,075	6,242	6,034	2,292	8,326
June 30, 1887.....	1,160	969	10	10	3,986	3,926	5,156	4,905	2,509	7,174
June 30, 1888.....	1,300	1,029	10	10	2,684	2,607	3,994	3,646	1,968	5,614
June 30, 1889.....	1,440	1,267	10	10	3,126	3,072	4,576	4,349	2,144	6,493
June 30, 1890.....	1,536	1,397	10	10	4,884	4,804	6,430	6,211	2,156	8,367
June 30, 1891.....	1,618	1,424	11	11	2,420	2,384	4,040	3,819	2,138	5,957
June 30, 1892.....	1,663	1,457	10	10	4,481	4,458	6,154	5,925	1,967	7,892
June 30, 1893.....	1,798	1,617	11	11	3,180	3,115	4,989	4,743	1,930	6,673
June 30, 1894.....	1,964	1,541	12	12	3,633	3,595	5,609	5,148	1,805	6,953
June 30, 1895.....	1,949	1,621	12	11	920	797	2,881	2,420	1,771	4,230
June 30, 1896.....	1,833	1,351	11	11	4,845	4,825	6,689	6,187	1,866	8,053

a The figures in this column are for special-tax years, which up to 1890 began May 1. By act of Congress the special-tax year was made identical with the fiscal year, the law taking effect July 1, 1891.

b Obtained by dividing the amount of internal-revenue tax paid by the annual rate of tax.

As will be seen from this table, the fruit distilleries form a very large proportion of the whole number of distilleries, although their product is but a comparatively small proportion of the whole. In 1896 there were in operation 4,825 fruit, 1,351 grain, and 11 molasses distilleries, the total number being 6,187.

The production of fruit brandies in 1880 amounted to 1,023,147 gallons, and in 1890 to 1,825,810 gallons. The average production per distillery in 1880 was 280, and in 1890, 380 gallons.

The distillation of fruit brandies is done largely on farms in connection with other agricultural pursuits, and it would therefore be impossible to show the capital, employees, etc., engaged in it as a distinct industry. The census enumerators obtained reports only from establishments in which the annual value of the product amounted to \$500 or more, and it is believed that comparatively few of the fruit distilleries were large enough to be reported under this rule. It is believed, however, that the majority of places in which the industry was carried on to any considerable extent were reported. It is probable that such

of them as were reported were classified as vinous liquors instead of distilled liquors. The omissions do not destroy the utility of the data.

In addition to other items the number of males, females, and children employed in 1890 in the manufacture of liquors is shown in the following table:

MANUFACTURE OF LIQUORS, 1890.

[From the reports of the Eleventh Census.]

Items.	Distilled liquors.	Malt liquors.	Vinous liquors.	Total.
Number of establishments reporting	440	1,248	236	1,924
Capital:				
Land	\$2, 816, 967	\$33, 538, 926	\$367, 010	\$36, 722, 903
Buildings	6, 290, 511	64, 412, 133	1, 049, 006	71, 760, 649
Machinery, tools, and implements	7, 856, 249	50, 228, 210	1, 290, 598	59, 435, 057
Live assets	14, 033, 449	84, 232, 021	3, 086, 170	101, 351, 640
Total	31, 000, 176	232, 471, 290	5, 792, 783	269, 270, 249
Miscellaneous expenses	65, 179, 927	48, 276, 290	270, 377	113, 726, 594
Average number of employees and total wages:				
Officers, firm members, and clerks—				
Males above 16 years	573	4, 483	229	5, 285
Wages	\$564, 325	\$7, 621, 448	\$178, 955	\$8, 364, 728
Females above 15 years	8	60	5	73
Wages	\$4, 500	\$17, 713	\$2, 325	\$54, 538
Operatives, skilled and unskilled—				
Males above 16 years	4, 559	29, 117	962	34, 638
Wages	\$2, 142, 232	\$20, 399, 030	\$285, 416	\$22, 826, 680
Females above 15 years	3	188	24	196
Wages	\$390	\$40, 757	\$7, 382	\$18, 529
Children	5	508	6	519
Wages	\$540	\$91, 609	\$548	\$92, 697
Pieceworkers—				
Males above 16 years	194	374	54	622
Wages	\$102, 802	\$165, 763	\$5, 905	\$274, 470
Females above 15 years		82	2	84
Wages		\$15, 000	\$200	\$15, 200
Children	1	8		9
Wages	\$100	\$1, 224		\$1, 324
Total employees	5, 343	34, 800	1, 282	41, 425
Total wages	\$2, 814, 889	\$28, 382, 544	\$480, 733	\$31, 678, 166
Cost of materials used	14, 909, 173	64, 063, 347	1, 318, 012	80, 290, 532
Value of products	104, 197, 969	182, 731, 622	2, 846, 148	289, 775, 639

The item "Miscellaneous expenses," shown in the above table, is composed of amounts paid for rent, taxes (including internal-revenue tax), insurance, ordinary repairs of buildings and machinery, interest on cash used in the business, and sundries. Some of these items, especially internal-revenue tax, were included in the cost of materials at prior censuses.

The value of the land, buildings, machinery, tools, and implements owned by establishments engaged in the manufacture of liquors appears, from this table, to have amounted to \$167,918,609 in 1890. From the reports of the Eleventh Census on Wealth, Debt, and Taxation, the average rate of taxation per \$100 of true valuation for the entire United States was \$0.73. Applying this rate to the above valuation will give a total of \$1,225,805.85 as the annual amount derived from the tax on real and personal property owned by establishments engaged in the manufacture of liquors.

From the reports of the Commissioner of Internal Revenue it appears that the liquors produced during 1890 consisted of 111,101,738 gallons of distilled spirits, 24,306,905 gallons of domestic wines, and 27,561,944 barrels of fermented liquors. Reducing the barrels of fermented liquors to gallons at the rate of 31 gallons to the barrel, and adding the distilled liquors and wines, gives a total product of 989,828,907 gallons. For reasons already given, this quantity should not be compared with the value of products shown by the preceding table to have amounted to \$289,775,639.

In addition to the manufacture of liquors the census reports contain statistics concerning the production of "malt." While the establishments that make a specialty of the manufacture of malt are not engaged directly in the production of liquors, a large portion or all of their products is consumed in such production. Therefore the capital, employees, etc., controlled by such establishments should be considered in this connection. The following table gives the totals for the establishments engaged in the industry as reported at the censuses of 1880 and 1890:

MANUFACTURE OF MALT, 1880 AND 1890.

[From the reports of the Tenth and Eleventh censuses. The inquiries used at the census of 1890 probably resulted in obtaining a report more nearly complete than in 1880.]

Items.	1880.	1890.
Number of establishments reporting.....	216	202
Capital.....	\$14,390,441	\$24,293,864
Average number of employees.....	2,332	3,694
Total wages.....	\$1,004,548	\$2,103,200
Cost of materials.....	\$14,321,423	\$17,100,074
Value of products.....	\$18,273,102	\$23,442,559

This table shows that, in 1890, 202 establishments were reported engaged in the production of malt, having a capital of \$24,293,864, and that the total value of their products was \$23,442,559.

The principal materials used in the manufacture of liquors are the products of the farm and consist largely of corn, barley, rye, oats, wheat, hops, apple and pear pomace, and ground grapes.

In order to obtain the total bushels of grain of all kinds consumed it is necessary to ascertain the quantity used in the manufacture of malt and to reduce the pounds of rice to bushels.

The records of the Bureau of Internal Revenue show that 45,792,665 bushels of malt were used by breweries during the year ending June 30, 1896. The quantities of grain used in the manufacture of the malt were not reported. On the average there are 34 pounds to the bushel of malt and 48 pounds to the bushel of barley; multiplying the 45,792,665 bushels by 34 and dividing the product by 48 gives 32,436,471 bushels of barley in the malt. Reducing the 114,848,366 pounds of rice used to bushels on the basis of 70 pounds to the bushel, gives 1,640,691 bushels. Adding the bushels of barley in the malt and the bushels of

rice to the 24,872,318 bushels of other grains used, makes a total of 58,949,480 bushels of grain consumed in the manufacture of liquors during the fiscal year ending June 30, 1896.

From the reports of the Bureau of Statistics, Treasury Department, there appears to have been 2,050,042,543 bushels of corn in the country for consumption during the year ending June 30, 1896. There were 19,019,243 bushels of corn and cerealine consumed in the manufacture of liquors, or 0.93 per cent of the total consumption. The rye crop for 1895 is reported at 27,210,070 bushels; during the year 1895-96 there were exported 988,466 bushels and imported 154 bushels, making the quantity in the country, apparently for consumption, 26,221,758 bushels; of this quantity 2,955,833 bushels, or 11.27 per cent, were consumed in the manufacture of liquors. If, in the same manner, the exports are subtracted and the imports added to the barley crop of 1895, the amount in the country, apparently for consumption, would be 80,213,619 bushels; of this amount, the 32,438,219 bushels consumed in the manufacture of liquors formed 40.44 per cent.

The growing of hops is an important agricultural industry, and it is to a greater extent than any other fostered by the liquor industry. The hop crop of 1889, according to the reports of the Eleventh Census, amounted to 39,171,270 pounds. The imports for 1890 amounted to 6,539,516 pounds, and the exports to 7,959,253 pounds, leaving 37,751,533 pounds in the country for consumption. There were consumed, in the manufacture of fermented liquors during the fiscal year of 1896, 34,898,930 pounds of hops.

The quantities of materials used by grain and molasses distillers have been published, and the following table presents the totals for each fiscal year from 1880 to 1896:

MATERIALS USED IN GRAIN AND MOLASSES DISTILLERIES, 1880 TO 1896.

[From the reports of the Commissioner of Internal Revenue.]

Year ending June 30—	Malt.	Wheat.	Barley.	Rye.	Corn.	Oats.	Mill feed.	Molasses.	Other mate- rials.
	Bushels.	Bushels.	Bushels.	Bushels.	Bushels.	Bushels.	Bushels.	Gallons.	Bushels
1880.....	1,830,562	5,103	19,892	3,623,055	7,640,269	140,962	526,362	3,110,190	211,124
1881.....	2,455,184	180,886	124,095	4,630,800	23,109,114	177,855	612,736	2,710,307	505
1882.....	2,192,719	301,241	50,075	4,228,649	20,051,239	168,488	452,336	2,121,804	13,754
1883.....	1,478,971	291,368	73,380	2,987,473	13,428,469	122,583	240,340	2,373,106	22,203
1884.....	1,633,914	114,475	199,656	2,867,603	13,746,505	124,165	241,073	2,259,536	591
1885.....	1,638,578	130,721	17,855	2,733,397	13,040,357	80,552	223,558	2,719,416	185
1886.....	1,823,758	55,179	19,891	3,285,959	13,821,193	58,652	130,700	2,308,130	.....
1887.....	1,825,627	45,361	16,110	3,062,947	12,870,255	44,886	93,060	2,428,783	1,319
1888.....	1,602,586	87,277	24,707	2,410,381	11,887,027	44,232	66,254	2,519,494	45
1889.....	2,242,214	48,279	21,589	3,259,917	15,319,862	23,632	73,589	1,951,104	1,842
1890.....	2,756,386	20,310	965	4,542,845	17,806,612	32,690	41,840	2,198,538	1,254
1891.....	2,951,547	96,166	662	4,579,868	18,671,536	14,637	28,389	2,610,918	4,836
1892.....	3,120,123	74,801	14,412	4,321,168	18,908,462	10,701	17,665	3,049,771	12,495
1893.....	3,272,699	97,070	5,958	5,521,202	19,779,559	13,516	17,343	4,884,577	3,823
1894.....	2,286,188	100,778	2,998	3,268,637	13,571,441	21,126	6,731	5,476,521	11,213
1895.....	2,068,575	189,173	886	3,738,703	11,473,052	22,098	3,925	5,802,811	4,299
1896.....	2,103,602	49,090	1,748	2,955,833	13,497,689	16,313	2,450	5,398,965	3,023

THE CONSUMPTION OF LIQUORS.

The total production of liquors in the country is not, of course, the same as the consumption. Large quantities of the liquors produced are exported every year, and of the exports considerable is returned. There are, in addition, large quantities imported for consumption. The quantity of distilled spirits withdrawn from bond for consumption for any year may be less or more than the production for the same year. The Bureau of Statistics of the Treasury Department has for a number of years published a table giving the total and per capita consumption of distilled spirits, wines, and malt liquors. The facts for certain years from 1840 to 1896 are reported from this table in the following statement:

GALLONS OF DISTILLED SPIRITS, WINES, AND MALT LIQUORS CONSUMED IN THE UNITED STATES, 1840 TO 1896.

[From the reports of the Bureau of Statistics of the Treasury Department.]

Year ending June 30—	Distilled spirits. (a)				Wines.		
	Domestic.		Imported.	Total.	Domestic. (b)	Imported.	Total.
	From fruit.	All other.					
1840.....	(c)	40,378,690	2,682,704	43,060,884	124,734	4,748,362	4,873,096
1850.....	(c)	46,768,083	5,065,390	51,833,473	221,249	6,094,022	6,315,271
1860.....	(c)	83,004,258	6,084,303	89,088,651	1,860,008	9,199,133	1,059,141
1870.....	1,223,830	77,266,368	1,405,510	79,895,708	3,059,518	9,163,549	12,223,067
1880.....	1,005,781	61,126,634	1,394,279	63,526,694	23,208,940	5,030,601	28,239,541
1885.....	1,468,775	67,689,250	1,442,067	70,600,092	17,404,698	4,495,759	21,900,457
1886.....	d1,555,904	d69,295,361	1,410,250	72,261,614	20,866,893	4,700,827	25,567,720
1887.....	d1,211,532	d68,385,504	1,407,697	71,064,733	27,706,771	4,618,290	32,325,061
1888.....	d888,107	d73,313,279	1,643,960	75,845,352	31,680,523	4,654,545	36,335,068
1889.....	d1,234,858	d77,802,483	1,515,817	80,613,158	29,610,104	4,534,373	34,144,477
1890.....	d1,508,130	d84,760,240	1,561,192	87,829,562	28,896,108	5,060,873	33,956,981
1891.....	d1,219,436	d88,335,483	1,602,646	91,157,565	23,735,232	5,297,500	29,032,732
1892.....	d1,961,062	d95,187,385	1,179,671	98,328,118	23,033,493	5,434,867	28,468,360
1893.....	d1,647,541	d98,202,790	1,307,422	101,197,753	26,391,235	5,596,584	31,987,819
1894.....	d1,440,553	d88,046,771	1,063,885	90,541,209	18,040,385	3,252,739	21,293,124
1895.....	d1,102,703	d75,228,998	1,496,860	77,828,561	16,589,057	3,054,392	19,643,449
1896.....	d1,446,810	d68,069,563	1,541,504	71,051,877	14,509,757	4,101,649	18,701,406

Year ending June 30—	Malt liquors.			Consumption per capita.			
	Domestic. (b)	Imported.	Total.	Total con- sumption of wines and liquors.	Dis- tilled spirits. (a)	Wines.	Malt liquors.
1840.....	23,162,571	148,272	23,310,843	71,244,823	2.52	0.29	1.36
1850.....	36,361,708	201,301	36,563,009	94,712,353	2.23	.27	1.58
1860.....	100,225,879	1,120,790	101,346,669	202,374,461	2.86	.35	3.22
1870.....	203,743,401	1,012,755	204,756,156	296,876,931	2.07	.32	5.31
1880.....	413,208,885	1,011,280	414,220,165	500,076,400	1.27	.56	8.26
1885.....	594,063,095	2,068,771	596,131,866	688,632,415	1.26	.39	10.61
1886.....	640,746,288	2,221,432	642,967,720	740,796,554	1.26	.44	11.20
1887.....	715,446,038	2,302,816	717,748,854	821,138,648	1.21	.55	12.23
1888.....	765,086,789	2,500,267	767,587,056	879,767,476	1.26	.61	12.80
1889.....	777,420,207	2,477,219	779,897,426	894,655,061	1.32	.58	12.72
1890.....	858,073,734	2,716,601	858,792,335	972,578,878	1.40	.40	13.67
1891.....	974,427,863	3,051,898	977,479,761	1,007,671,118	1.42	.45	15.28
1892.....	984,515,414	2,060,809	987,496,223	1,114,292,201	1.50	.44	15.10
1893.....	1,071,183,827	3,362,509	1,074,546,336	1,207,731,908	1.51	.48	16.03
1894.....	1,033,378,273	2,940,949	1,036,319,222	1,148,153,555	1.33	.31	15.18
1895.....	1,040,250,039	3,033,067	1,043,283,106	1,140,764,716	1.12	.28	14.95
1896.....	1,077,325,634	3,300,531	1,080,626,165	1,170,379,448	1.00	.26	15.16

a Proof gallons.

b Product less exports.

c Included with "All other."

d Includes domestic spirits exported and returned.

The preceding table shows that the total quantity of distilled spirits of all kinds consumed in the United States during the year ending June 30, 1896, was 71,051,877 proof gallons; of wines, 18,701,406 gallons, and of malt liquors of all kinds, 1,080,626,165 gallons; a total of all kinds of liquors of 1,170,379,448 gallons.

To reach an understanding of the actual growth in the use of liquors the per capita consumption must be studied. This also is given in the preceding table. In the per capita consumption of both distilled spirits and wines a marked though irregular decrease is shown, while an increase quite as marked is shown in the case of malt liquors. The consumption of distilled spirits per capita, shown to have been 2.52 proof gallons in 1840, had declined to 1 proof gallon in 1896. For wines, the figures were 0.29 gallon in 1840 and 0.26 gallon in 1896. Malt liquors, which showed a per capita consumption of 1.36 gallons in 1840, had risen to 15.16 gallons in 1896, while for all liquors the consumption had increased from 4.17 gallons in 1840 to 16.42 gallons in 1896.

The quantities shown in the preceding table include liquors consumed for all purposes, not only as a beverage, but in the arts, manufactures, and medicine. At the Eleventh Census an investigation was made to ascertain the quantity of distilled spirits consumed in the arts, manufactures, and medicine. Inquiry was made of manufacturers and wholesale druggists, eleemosynary institutions, and retail apothecaries. The number of proof gallons of distilled spirits consumed in the arts, manufactures, and medicine, as disclosed by this investigation, is shown in the following table:

PROOF GALLONS OF DISTILLED SPIRITS CONSUMED IN THE ARTS, MANUFACTURES, AND MEDICINE FOR THE YEAR ENDING DECEMBER 31, 1889.

[The facts are from returns made to the Eleventh Census by manufacturers, wholesale druggists, eleemosynary institutions, and retail apothecaries.]

Returns received from—	Alcohol.	Cologne spirits.	High wines.	Whisky.	Brandy.	Rum.	Gin.	Total.
Manufacturers and wholesale druggists.....	5,425,791	1,334,033	54,737	879,282	100,482	87,378	84,937	7,066,640
Eleemosynary institutions.....	30,092	4,374	883	59,222	6,599	841	779	102,790
Retail apothecaries.....	1,289,269	114,641	20,372	1,085,396	159,793	101,362	136,579	2,907,412
Total.....	6,745,152	1,453,048	75,992	2,023,900	266,874	189,581	222,295	10,076,842

This table shows the total consumption of distilled spirits in the arts, manufactures, and medicine during the year ending December 31, 1889, to have been 10,976,842 proof gallons. Of this amount about three-fourths, or 7,966,640 proof gallons, was used by manufacturers and wholesale druggists, 2,907,412 proof gallons by retail apothecaries, and the remainder, 102,790 proof gallons, by eleemosynary institutions.

The total consumption for all purposes of distilled spirits, wines, and malt liquors of all kinds during the year ending June 30, 1889, as

shown in the table on page 518, was 894,655,061 gallons. If it be desired to obtain the quantity used strictly as a beverage, there should be deducted from the above total the quantity used in the arts, manufactures, and medicine. So far as distilled spirits are concerned this amount was shown in the table immediately preceding to have been for the year ending December 31, 1889, 10,976,842 proof gallons, and may be assumed to have been approximately the same for the year ending June 30. This, deducted from the total given above, leaves 883,678,219 gallons as the amount of all kinds of liquors consumed as a beverage. If the same deduction be made from the total quantity of distilled spirits consumed, viz, 80,613,158 proof gallons, it will be found that the quantity used as a beverage was, for the year ending June 30, 1889, 69,636,316 proof gallons.

The quantity given above as the consumption in the arts, manufactures, and medicine represents, it should be noted, distilled liquors only, no account being made of wines and malt liquors which have quite extensive use in medicine, though not in the arts and manufactures. The census investigation referred to did not extend to wines and malt liquors, and no figures are available even to form an estimate.

It appears that there were 4,197,938 gallons of liquors of domestic manufacture exported during the year ending June 30, 1896, and 1,029,653 gallons of distilled spirits of domestic manufacture that had been exported and returned as imports, and 5,454 gallons of the same class of spirits reexported after having been exported and returned. There were also 8,973,300 gallons of liquors of foreign manufacture imported, and 131,351 gallons of liquors of foreign manufacture exported.

THE TRAFFIC IN LIQUORS.

In regard to the traffic in liquors, practically all the facts presented in the Twelfth Annual Report were obtained as the result of the special investigation made by the Department. The inquiries which were made by the Department were directed to ascertain the number of establishments engaged in buying and selling liquors, whether used as a beverage or otherwise, the capital invested, taxes and rent paid, the number of persons engaged in the business, etc. The number of persons or firms engaged in the manufacture and sale of liquors and reported by the Commissioner of Internal Revenue as "special-tax payers" and distillers was used as the basis for this investigation. According to the report of the Commissioner of Internal Revenue for the year ending June 30, 1896, there were in the United States 237,165 (*a*) such special-tax payers and distillers returned by the collectors of the several collection districts. This includes 1,855 rectifiers, 204,294

a A complete canvass of the State of Delaware by the agents of the Department showed the existence of 70 more special-tax stamps than stated in the report of the Commissioner of Internal Revenue. This would raise the total to 237,235.

retail liquor dealers, 4,648 wholesale liquor dealers, 1,866 brewers, 12,064 retail dealers in malt liquors, and 5,749 wholesale dealers in malt liquors engaged in the liquor business for different periods of time during the year, varying from one month to twelve months each. The number of distilleries registered was 6,689, of which 6,187 were in operation at some time during the year.

The following examples indicate how this count of the persons or firms engaged in the liquor business is made. If a person or firm pays the special internal-revenue tax as a rectifier and also as a wholesale and as a retail dealer, such person or firm is counted under each of these classes and appears three times in the total. If an individual pays the tax as a wholesale and also as a retail liquor dealer he is included in both classes and counted twice in the total. If a brewer pays in addition to his brewer's tax the tax as a dealer of one or more of the classes designated he is included twice or even three or four times in the total. If the proprietorship of a brewery or a saloon passes to three or four firms or individuals during the year each successive proprietor is recorded as another special-tax payer, and the same place of business would be included three or four times in the total. If a distiller pays also the tax as a retail dealer he is included twice in the total. It is evident, therefore, that the total of 237,235 special-tax payers and distillers does not represent the number of the different places of business engaged in the manufacture and sale of liquors.

There are very few, if any, establishments now engaged in rectifying liquors as a distinct business. Rectifying is done almost entirely as an adjunct to the manufacture or traffic in liquors. As the rectifiers reported are those who carry on the business in connection with buying and selling, they are for the purpose of this report treated as dealers.

Excluding from the 237,235 special-tax payers and distillers the 6,689 registered distilleries and the 1,866 breweries, the remaining 228,680 may be considered as the total number of internal-revenue special tax stamps issued to liquor dealers. But the above breweries and distilleries held a large number of stamps obtained for the purpose of carrying on business as liquor dealers. Stamps issued for traffic at points distant from the brewery or distillery have been counted as dealers. When the traffic was carried on at or adjacent to the brewery or distillery, the business was considered as representing a part of the business of the manufacturing plant. It was not possible in such cases to separate the facts relating to the traffic from those relating to manufacture, and therefore no attempt has been made to include such establishments under this head. Deducting, then, the brewers' and distillers' stamps as dealers, omitted as above, 3,648 in number, according to information obtained from the collectors of internal revenue, the whole number of special-tax stamps issued to dealers of the classes covered by this investigation is found to be 225,032.

In order to eliminate the duplications from the total of 225,032 internal-revenue special-tax stamps issued to dealers in liquors and ascertain the number of actual places of business, it was necessary to copy from the records of the different collectors of internal revenue the names and addresses of each person or firm representing each special-tax stamp issued. These names were then assorted so as to bring together all the special-tax stamps for each place of business. The names and addresses were then placed in the hands of special agents of this Department who secured the desired statistical information. It was impracticable to canvass in this manner the entire 225,032 "special-tax payers;" therefore the following internal-revenue collection districts, comprehending about one-fourth of the total number of persons or firms in the whole country paying the internal revenue tax as liquor dealers, were selected as being representative: First district of California; Connecticut district, which includes the States of Connecticut and Rhode Island; first district of Illinois; third district of Iowa; Louisiana district, which includes the States of Louisiana and Mississippi; Maryland district, which includes the States of Maryland and Delaware, the District of Columbia, and two counties of Virginia; twenty-eighth district of New York; first district of Ohio; fifth district of Tennessee; second district of Virginia, and the first district of Wisconsin.

While the above districts were selected as being representative, as far as possible, of the entire country, the names of the special-tax payers were not selected, but were taken in alphabetical order as they appeared on the books of the collectors, thus securing a thorough distribution of the establishments.

The only establishments from which data were not secured were those few refusing information, those in localities where prohibition laws prevailed, and those not accessible by railroad or other mode of public conveyance. In addition several districts were not completely canvassed, because a lack of time and money made it necessary to bring the investigation to an end before this could be done.

The statement following shows the total number of internal-revenue special-tax stamps issued to liquor dealers in the States or districts covered by the investigation and the number and per cent actually canvassed by the agents of the Department. This, for reasons already explained, does not include stamps issued to breweries and distilleries for traffic as dealers at or adjacent to the brewery or distillery. It appears from this statement that 40,774 persons or firms paying the internal-revenue tax as liquor dealers were canvassed. Considering the districts taken up, 64.17 per cent of all such special-tax payers were visited by the agents of the Department and reports submitted in regard to them.

TOTAL INTERNAL-REVENUE SPECIAL-TAX STAMPS ISSUED TO LIQUOR DEALERS AND NUMBER AND PER CENT CANVASSED IN THE DISTRICTS COVERED, 1896.

States or collection districts canvassed.	Special-tax stamps.		
	Issued.	Can- vassed.	Per cent of those canvassed of the number issued.
First district of California.....	10,289	2,750	26.82
Connecticut.....	8,724	3,048	34.95
Delaware.....	415	415	100.00
First district of Illinois.....	15,026	10,248	68.20
Third district of Iowa.....	2,121	982	46.30
Louisiana.....	4,503	3,130	69.51
Maryland.....	5,161	4,443	86.09
Mississippi.....	410	125	30.49
Twenty-eighth district of New York.....	6,951	4,927	70.88
First district of Ohio.....	4,315	3,686	85.43
Rhode Island.....	1,802	1,631	90.51
Fifth district of Tennessee.....	1,387	1,080	77.93
Second district of Virginia.....	1,422	1,163	81.79
First district of Wisconsin.....	5,907	3,148	53.29
Total.....	63,539	40,774	64.17

a The names and addresses of those who had paid the special internal-revenue tax as liquor dealers or rectifiers were copied from the records of the collector of internal revenue and were supposed to cover all places (with the exception of breweries and distilleries) in which liquor, in any form, was sold. In the case of Delaware, the records of the collector showed 407 such special-tax payers, although the printed report of the Commissioner of Internal Revenue gives the number as 369 (including 24 stamps held by breweries and distilleries for traffic at or adjacent to the brewery or distillery). The agents of the Department obtained reports from 415 tax payers. This slight excess over the number shown by the collector's records may have been due to the issue of stamps between the time of copying the collector's records and the completion of the canvass by the agents of the Department.

The following table shows the number of special-tax stamps issued to liquor dealers canvassed in each State; the number of actual establishments found; the number of additional tax stamps held by such establishments, etc., and the per cent that the number reported for each of the classes is of the total:

SPECIAL-TAX STAMPS CANVASSED, BY STATES, 1896.

States.	Establishments.		Additional tax stamps held by establishments.		Tax stamps held by establishments that had discontinued business at time of canvass.		Tax stamps held by establishments that had no appreciable amount of capital invested in the liquor business.		Total.
	Num- ber.	Per cent.	Num- ber.	Per cent.	Num- ber.	Per cent.	Num- ber.	Per cent.	
California.....	1,665	60.35	515	18.67	345	12.50	234	8.48	2,759
Connecticut.....	2,415	79.23	200	8.53	171	5.01	202	6.63	3,048
Delaware.....	305	73.49	60	14.46	22	5.30	28	6.75	415
Illinois.....	6,581	64.22	1,160	11.32	1,316	12.84	1,191	11.62	10,248
Iowa.....	611	62.22	127	12.93	96	9.78	148	15.07	982
Louisiana.....	2,430	77.64	246	7.86	334	10.67	120	3.83	3,130
Maryland.....	2,989	67.27	600	13.51	611	14.65	203	4.57	4,443
Mississippi.....	97	77.60	20	16.00	2	1.00	6	4.80	125
New York.....	3,914	79.44	307	6.23	469	9.52	237	4.81	4,927
Ohio.....	2,771	75.59	366	9.98	212	5.78	317	8.65	3,686
Rhode Island.....	1,226	75.17	122	7.48	106	6.50	177	10.85	1,631
Tennessee.....	872	80.07	109	10.01	46	4.23	62	5.69	1,080
Virginia.....	871	74.89	113	9.72	157	13.56	22	1.89	1,163
Wisconsin.....	2,511	79.77	259	8.23	104	3.30	274	8.70	3,148
Total.....	29,258	71.76	4,264	10.46	4,031	9.88	3,221	7.90	40,774

From the preceding table it appears that there were but 29,258 actual places of business from which statistical information as to capital, employees, etc., could be obtained found among the 40,774 special-tax payers canvassed. These 29,258 establishments held 4,264 additional special-tax stamps. This latter number includes, however, a large number of stamps held by persons or firms who had been bought out and succeeded by the present proprietors. Such stamps, therefore, no longer represented live businesses, but had been replaced by the stamps of the active proprietors. The establishments representing 4,031 special-tax stamps had discontinued business at the time of the canvass, and those representing 3,221 special-tax stamps had no appreciable amount of capital invested in the liquor business. Stated in percentages, 71.76 per cent of the 40,774 tax stamps represented establishments, 10.46 per cent additional tax stamps issued for those establishments either to present proprietors or their predecessors, 9.88 per cent establishments that had discontinued business, and 7.90 per cent establishments that had no appreciable amount of capital invested.

The persons or firms holding the 3,221 special-tax stamps representing places of business in which no appreciable amount of capital was invested in the liquor traffic reported the following businesses as those to which the liquor traffic was an adjunct, viz: Drug store, social club, grocery, house of ill-fame, restaurant, paints, soda water, turkish bath, theater, tobacco, gold cure, barber shop, candy, caterer, steamboat, dining car, auctioneer, boarding or lodging house, coffee saloon, ice cream, oyster dealer, photography, etc. Of the total number 171, or 5.31 per cent, were held by social clubs; 1,912, or 59.36 per cent, by druggists; 36, or 1.11 per cent, by grocers; 525, or 16.30 per cent, by keepers of houses of ill-fame, and 93, or 2.89 per cent, by keepers of restaurants. There were but a few reports for each of the other businesses; grouping them, they amount to 484, or 15.03 per cent of the total.

This Department canvassed 40,774, or 18.12 per cent, of the total number of special-tax stamps issued to dealers and rectifiers in the United States. The results of this canvass, so far as the special-tax stamps are concerned, are shown in the preceding table. To obtain figures for the whole country, the percentages given in that table for the total number of each kind of special-tax stamps canvassed were applied to the total number of special-tax stamps issued to dealers and rectifiers in each State and Territory, and on this basis estimates were made of the number of establishments, additional special-tax stamps held by establishments, special-tax stamps held by establishments that had discontinued business, and special-tax stamps held by establishments that had no appreciable amount of capital invested in the liquor traffic. The figures in detail are given in the following table. The 1,866 breweries and 6,689 distilleries shown represent the number of special-tax stamps issued to brewers and the number of registered distilleries reported by the Commissioner of Internal Revenue for the

entire country. The number of additional special-tax stamps held by breweries and distilleries as dealers for carrying on business at or adjacent to the brewery or distillery was obtained from the collectors of internal revenue for each State except Louisiana and Mississippi. For these two States estimates are given.

SPECIAL-TAX STAMPS HELD BY DEALERS AND RECTIFIERS, BREWERIES, AND DISTILLERIES, BY STATES AND TERRITORIES, FOR THE YEAR ENDING JUNE 30, 1896.

States and Territories.	Dealers and rectifiers.				Breweries.			Distilleries.			Ag-gre-gate.	
	Estab-lish-ments. (a)	Addi-tional stamps held by establish-ments. (a)	Stamps held by establish-ments out of business. (a)	Stamps held by establish-ments with no appreci-able capital invested in liquor business. (a)	Total.	No.	Addi-tional stamps as dealers.	Total.	No.	Addi-tional stamps as dealers.		Total.
Ala.....	725	105	100	80	1,010	4	4	8	274	23	297	1,315
Alaska.....	80	11	11	9	111	8	8	16				127
Ariz.....	473	69	65	52	659	2	2	4		1	4	667
Ark.....	486	71	67	53	677				93	45	138	815
Cal.....	9,717	1,416	1,339	1,070	13,542	145	74	219	237	125	362	14,123
Colo.....	1,885	275	260	207	2,627	18	17	35	2	2	4	2,666
Conn.....	2,672	390	368	294	3,724	22	16	38	33	21	54	3,810
Del.....	305	60	22	28	645	5	4	9	34	20	54	6478
D. C.....	811	118	112	89	1,130	7	7	14				1,144
Fla.....	375	55	52	41	523							523
Ga.....	1,215	177	167	134	1,693	5	9	14	419	38	457	2,164
Idaho.....	431	63	59	47	600	18	3	21	2		2	623
Ill.....	14,980	2,183	2,064	1,649	20,876	138	149	287	35	10	45	21,206
Ind.....	6,049	882	833	666	8,430	48	42	90	51	27	78	8,598
Ind. T.....	76	11	11	8	106							106
Iowa.....	3,258	475	449	359	4,541	24	21	45	2	1	3	4,589
Kans.....	1,764	257	243	194	2,458	2	2	4	1	2	3	2,465
Ky.....	3,072	448	423	338	4,281	28	22	50	814	323	1,137	5,468
La.....	3,231	471	445	356	4,503	7	a 7	14	24	a 9	33	4,550
Me.....	822	120	113	90	1,145							1,145
Md.....	3,703	540	510	408	5,161	28	36	64	45	36	81	5,306
Mass.....	3,690	538	509	406	5,143	40	42	82	11	4	15	5,240
Mich.....	4,791	698	660	527	6,676	103	123	226				6,902
Minn.....	3,472	506	479	382	4,839	102	93	195	2	2	5	5,036
Miss.....	301	44	41	33	419				5	a 2	7	426
Mo.....	6,015	877	829	662	8,388	48	88	136	140	42	182	8,701
Mont.....	1,289	188	178	142	1,797	22	19	41				1,838
Nebr.....	1,603	234	221	176	2,234	23	22	45	3		3	2,282
Nev.....	364	53	50	40	507	8	5	13				520
N. H.....	1,127	164	156	124	1,571	7	4	11	1	2	3	1,585
N. J.....	6,619	965	912	729	9,225	52	36	88	65	56	121	9,434
N. Mex.....	352	51	48	39	490	6	8	14	12	8	20	524
N. Y.....	30,009	4,373	4,135	3,304	41,821	283	167	450	43	29	72	42,343
N. C.....	874	127	121	96	1,218	1		1	2,048	290	2,338	3,557
N. Dak.....	576	84	79	63	802	1		1				803
Ohio.....	12,022	1,732	1,656	1,324	16,754	137	171	308	71	23	94	17,156
Okla.....	306	44	42	34	426				2	2	4	430
Oreg.....	996	145	137	110	1,388	28	31	59	17	7	24	1,471
Pa.....	11,378	1,658	1,568	1,253	15,857	241	210	451	137	81	218	16,526
R. I.....	1,363	198	188	150	1,899	5	4	9				1,908
S. C.....	309	42	43	34	431	2	4	6	86	1	87	524
S. Dak.....	879	128	121	97	1,225	6	4	10				1,235
Tenn.....	1,277	186	176	140	1,779	4	8	12	322	31	353	2,144
Tex.....	4,166	607	574	459	5,806	11	16	27	46	6	52	5,885
Utah.....	294	43	41	32	410	8	5	13				423
Vt.....	559	81	77	62	779				1		1	780
Va.....	1,603	243	229	183	2,318	4	8	12	1,567	632	2,199	4,529
Wash.....	949	138	131	104	1,322	29	33	62	2		2	1,386
W. Va.....	1,003	146	138	111	1,366	6	14	20	34	35	69	1,467
Wis.....	6,808	992	938	749	9,487	177	167	344	5	7	12	9,843
Wyo.....	299	43	41	33	416	3	2	5				421
Total.....	161,483	23,548	22,231	17,770	225,032	1,806	1,707	3,573	6,689	1, a		

a Estimated.

b See note a, page

From the preceding table it appears that if the estimate for each State be based on percentages computed from the total number (40,774) of internal-revenue special-tax payers canvassed, there were 161,483 establishments in the United States actually engaged in the liquor traffic at the time of the canvass, and these establishments represented 23,548 additional tax stamps issued to present proprietors or their predecessors, making a total of 185,031 special-tax stamps held by establishments, being 82.22 per cent of the total number issued to dealers and rectifiers representing 161,483 separate places of business. The number of persons or firms that had paid the tax but had discontinued business at the time of the canvass is estimated at 22,231, or 9.88 per cent, and the number of persons or firms that had paid the tax but had no appreciable amount of capital invested in the liquor business at 17,770, or 7.90 per cent of the total. Of this latter number it is estimated that 944 of the special-tax payers were social clubs, 10,548 druggists, 197 grocers, 2,897 keepers of houses of ill-fame, 513 keepers of restaurants, and 2,671 persons and firms engaged in business of a miscellaneous character.

The table on page 523 shows that out of the whole number of internal-revenue special-tax payers (40,774) canvassed by the agents of the Department, 29,258 separate establishments were found engaged in the traffic in liquors. The important facts concerning these establishments are those relating to the capital invested in the business, both owned and rented, the taxes and rents paid, the number of proprietors and employees engaged in the business, etc. Returns covering all of these points were received from every establishment, and are presented in a series of general tables in the Twelfth Annual Report. The analysis of such of the general tables as relate to the above-mentioned facts follows:

Table I.—Capital invested, taxes and rent paid, and persons engaged in each class of liquor traffic, by localities, for the year ending June 30, 1896.—This table shows the total for each city in which there were 100 or more special-tax payers (liquor dealers and rectifiers), all other localities being combined and designated as "rural." The total is also shown for all the localities in each State. It must be borne in mind, however, that these State totals represent only such parts of the State as were covered by the canvass, as has already been fully explained.

Under employees were reported, first, the average number employed in or connected with the liquor traffic. For instance, clerks in a grocery store or waiters in a dining room or hotel in which liquors were sold were reported if they, during any part of the time, were engaged in selling or serving liquors; members of the family employed but who received no wages were also reported. The object was to ascertain the average number of employees that were in any way connected with the sale of liquor.

Second, in cases where the liquor traffic was carried on in connection with other business, such as a grocery, drug store, or hotel, the pro-

portion of the entire number of employees necessary if employed full time to carry on that portion of the business that pertained exclusively to the liquor traffic was reported.

In this table, as well as in Tables II, III, IV, and V of the Twelfth Annual Report, which are summaries of Table I, the facts presented relate only to the purchase and sale of liquors. If an establishment was engaged in other business in conjunction with the liquor traffic, the amount of capital and the other information secured related to the liquor traffic only. The object of the investigation was to ascertain the volume of the liquor traffic as distinct from all other business. For instance, if the liquor traffic was carried on in connection with the grocery business the capital reported would be that portion of the land and buildings considered as essential to the liquor traffic only and the fixtures and sundry items that pertained exclusively to that traffic; the rent and taxes reported are the rent and taxes paid on this proportion of the entire capital. The number of proprietors and firm members reported were those who could be considered as actively engaged in the liquor traffic or its supervision. The facts are presented in this table and its summaries so as to show separately establishments engaged exclusively in the liquor traffic and those engaged in the traffic in connection with some other business. Thus establishments are grouped in six classes, according to character of business, as follows: Retail liquor only, retail liquor and other trade, wholesale liquor only, wholesale liquor and other trade, retail and wholesale liquor, and retail and wholesale liquor and other trade.

Table II.—Summary of capital invested, taxes and rent paid, and persons in each State engaged in each class of liquor traffic, for the year ending June 30, 1896.—The details presented in the preceding table are here summarized for each State canvassed, the grouping into the six classes according to character of business being preserved.

Table III.—Summary of capital invested, taxes and rent paid, and persons engaged in each class of liquor traffic, by States, for the year ending June 30, 1896.—This table brings together the facts for each of the six classes of business, showing for each class the total for all States combined, so far as canvassed.

Table IV.—Summary of capital invested, taxes and rent paid, and persons engaged in the liquor traffic, by States, for the year ending June 30, 1896.—This table brings together the State totals, showing the facts for the 29,258 establishments canvassed. The table shows that the 29,258 establishments had capital to the value of \$173,421,799 invested exclusively in the liquor traffic. Of this capital \$74,681,656, or 43.06 per cent, was owned and \$98,740,143, or 56.94 per cent, rented. The value of the land and buildings owned and rented amounted to \$125,788,971, or 72.53 per cent of the total. The total value of fixtures owned and rented amounted to \$10,933,587, or 6.31 per cent of the total. The sundry items of capital, such as stock and cash on hand,

and unsettled ledger accounts, amounted to \$36,699,241, or 21.16 per cent of the total capital. This table also shows that the 29,258 establishments paid yearly taxes amounting to \$1,534,346 on the land and buildings and \$291,096 on the fixtures and other items of personal property devoted exclusively to the liquor traffic. These taxes are the general tax assessed on all real and personal property. They do not include licenses or special taxes imposed on the liquor business as such. The total, \$1,825,442, must not be accepted as the amount that would be collected at a given rate of taxation on the value shown for land and buildings and fixtures. In many cases the values were so small that a tax was not collected. In the State of Delaware, and possibly in other localities, no tax is levied by the State, county, or cities on fixtures in saloons. In the city of Chicago comparatively few liquor dealers reported taxes paid on personal property, the amount paid for license apparently being accepted as a sufficient tax on property of that character. Therefore the rate of taxation for the United States or for any particular State or locality can not be computed from these totals.

The amount paid as rent during the year is reported as \$9,288,439. This is the total amount that would have been received if rent was actually paid for the entire time that the rented properties were used for the liquor traffic. In cases where the person occupying the premises at the time of the canvass had not been in possession for the entire year the amount of rent paid by him was reported, and it was also ascertained how long the premises had been used for the liquor business during the year; the amount paid by the former occupants was then estimated. The total, therefore, is only the rent charged to the premises or that portion of the premises used for the liquor traffic during that part of the year that they were used for that purpose. In many cases the premises were used for other business or were idle during a part of the twelve months, therefore the amount reported as rent can not be used to compute the per cent of return for rented property used in the liquor traffic.

The 29,258 establishments canvassed were controlled by 34,700 firm members and individual proprietors, of whom 33,017, or 95.15 per cent, were males, and 1,683, or 4.85 per cent, were females. The average number of employees who were engaged a portion of their time at least in connection with the liquor traffic was 43,802, of whom 37,984, or 86.72 per cent, were males, and 5,818, or 13.28 per cent, were females. If these employees had devoted their time to the liquor traffic exclusively, it would have required 31,332 persons to carry on the liquor business of the 29,258 establishments.

There were, according to the estimate based on the canvass of 40,774 special-tax payers, and already shown in the table on page 525, 161,483 establishments in the whole country engaged in the liquor traffic at the time of the canvass made by this Department during the year 1896. It

is also estimated that there were 22,231 special-tax payers who had evidently been engaged in the liquor traffic at some time during the year, but who had discontinued the business at the time the special agent called to secure a report. As the special object of this branch of the investigation was to ascertain the capital, employees, etc., of establishments engaged in the liquor traffic at any one time, those that had discontinued business should not be considered in this connection. There is a certain amount of capital invested in the liquor traffic by the persons or firms represented by the 17,770 special-tax payers estimated as having no appreciable capital invested in the liquor business. This amount, while perhaps considerable in the aggregate, could not materially affect the total, and as there appears to be no reliable method of estimating the amount so invested it has not been considered.

There is also a certain amount of capital that could be considered as invested in the liquor traffic by the 1,866 breweries and 6,689 distilleries, as these breweries and distilleries held 3,648 special tax stamps as dealers. These tax stamps were obtained for the purpose of carrying on the traffic at or adjacent to the brewery or distillery, and the capital invested in such traffic would naturally be considered as representing a part of the investment in the manufacturing plant, and it is supposed to have been so reported and is included in statistics for "Production." It was impracticable to make a separation of such capital so as to show the amount invested exclusively in the traffic in liquors.

Special-tax stamps issued to brewers and distillers for traffic at points distant from the brewery or distillery have been counted as dealers.

It is impracticable to give estimates of the capital, employees, etc., representing the liquor traffic in each State and Territory. Such estimates would have to be based on average conditions for all the States canvassed and would not correctly represent the individual States and Territories where widely varying conditions are known to exist. This may be seen by an examination of Table IV. But the facts given in Table IV, covering as they do a canvass of parts of 14 States and including nearly one-fifth of the entire number of establishments in the country, are believed to be fairly representative of the whole country. And it is believed that an estimate for the 161,483 establishments in the whole country, if based on an average of the facts shown in Table IV, will be substantially accurate. Estimates have thus been made.

For the year ending June 30, 1896, the capital invested exclusively in the liquor traffic by the 161,483 establishments, as estimated by the method just described, was \$957,162,907. Of this amount \$412,188,729, or 43.06 per cent, represented the value of land and buildings, fixtures, and other properties owned by the persons or firms carrying on the liquor traffic, and \$544,974,178, or 56.94 per cent, the value of the property rented by them. The estimated annual taxes paid on the was \$10,075,120, and the rent paid on the rented property \$ For the reason heretofore given the estimated amount of ta

not be used as a basis to estimate the rate of taxation, or the estimated rent as the basis to ascertain the per cent of return on rented property used in the liquor traffic. All of these values pertain exclusively to the liquor traffic and not to any other business that may be conducted by the different establishments. The estimated number of proprietors or firm members engaged in the liquor traffic was 191,519 and the employees 241,755. If the employees had devoted their entire time to the liquor traffic, it is estimated that it would have required 172,931 to carry on the business of the 161,483 establishments.

Table V.—Summary of capital invested, taxes and rent paid, and persons engaged in each class of liquor traffic for the year ending June 30, 1896.—This table summarizes, by classes of business, the facts for the whole number of establishments. From this it appears that of the 29,258 places of business for which reports were secured 20,282, or 69.32 per cent, were engaged exclusively in the retail liquor traffic; 7,552, or 25.81 per cent, in the retail liquor traffic combined with some other business; 214, or 0.73 per cent, in the wholesale liquor traffic exclusively; 37, or 0.13 per cent in the wholesale liquor traffic combined with some other business; 985, or 3.37 per cent, in the retail and wholesale liquor traffic; and 188, or 0.64 per cent, in the retail and wholesale liquor traffic combined with some other business.

Turning to capital, it appears that of the aggregate, \$173,421,799, the retail liquor trade exclusively had \$102,470,580, or 59.09 per cent; retail liquor in combination with other business had \$26,740,403, or 15.42 per cent; wholesale liquor exclusively, \$8,491,488, or 4.90 per cent; wholesale liquor in combination with other business, \$395,451, or 0.23 per cent; retail and wholesale liquor, \$29,729,197, or 17.14 per cent; and retail and wholesale liquor in combination with other business, \$5,594,680, or 3.22 per cent.

Table VI.—Establishments engaged in the liquor traffic in connection with other business, arranged according to per cent of liquor traffic of total business, for each State, by character of business, for the year ending June 30, 1896.—Establishments engaged in the liquor traffic in connection with some other business are in this table grouped according to such business and according to the per cent that liquor traffic is of the total business. In order to ascertain the proportion that the liquor traffic was of the entire business of those establishments in which it was carried on in connection with other business the following question was asked: "What proportion of the entire business of all kinds, for the year, is represented by the liquor traffic?" The replies submitted in answer to this question are presented in this table.

Table VII.—Summary of establishments engaged in the liquor traffic in connection with other business, arranged according to per cent of liquor traffic of total business, by character of business, for the year ending June 30, 1896.—This table is a summary of the preceding by character of business, combining the various States canvassed.

In Table VI the establishments engaged in the different classes of business reported as being carried on in connection with the liquor traffic are arranged so as to show for each State and each class of business the number of establishments having a specified percentage of their entire business devoted to the liquor traffic. Table VII shows similar facts for all the establishments canvassed in each class of business. These tables indicate, for the establishments canvassed, whether the liquor traffic forms the major or minor portion of the business of the establishments in which it is conducted in connection with other business.

Of the 29,258 establishments canvassed 7,777, or 26.58 per cent, reported that the liquor traffic was carried on in connection with other business. The twelve classes of business shown to have been conducted in connection with the liquor traffic are in some instances combinations of distinct pursuits; for instance, the class "bakeries and confectioneries" includes "bakeries" or "confectioneries" as well as "bakeries and confectioneries;" the class "pleasure resorts" includes museums, music halls, summer gardens, and theaters. The grocery business appears most frequently in connection with the liquor trade, 3,078 establishments being reported. Next come hotels and boarding and lodging houses, 2,117 establishments, and drug stores, 1,066 establishments. By reference to Table VII it appears that 3,763 establishments, or 48.39 per cent of the 7,777, reported that the liquor traffic formed 50 per cent or more of the entire yearly business of the establishments. Of the 3,078 groceries in which the liquor traffic was carried on, 1,414, or 45.94 per cent, reported that the liquor traffic represented 50 per cent or more of their entire annual business, and of the 2,117 hotels and boarding and lodging houses reporting, 1,528, or 72.18 per cent, reported that the liquor traffic formed 50 per cent or more of their entire business. As previously explained, the capital invested and other statistical information reported by these 7,777 establishments related exclusively to the liquor traffic.

Table VIII.—Establishments occupying rented property engaged in each class of liquor traffic, by localities, for the year ending June 30, 1896.—This table shows the establishments occupying rented property in detail for each city in which there were 100 or more special-tax payers, all other localities being combined and designated as "rural." The totals are also shown for all the localities in each State so far as canvassed.

Table IX.—Summary of establishments occupying rented property engaged in each class of liquor traffic, by States, for the year ending June 30, 1896.—This table summarizes the preceding, bringing all the State totals together. The great extent to which rented property is used in the liquor traffic is shown. It appears that of the 20,093 establishments occupying rented property 15,458, or 76.93 per cent, were engaged in the liquor traffic only, while 4,635, or 23.07 per cent, were engaged in some other business in combination with the liquor traffic.

The following table shows, by States, the number of establishments engaged in the retail, wholesale, and retail and wholesale liquor traffic, respectively, and the number and percentage in each class that occupied rented property. In this table the establishments engaged exclusively in the liquor traffic and those engaged in the traffic in connection with other business have been combined.

ESTABLISHMENTS CANVASSED AND NUMBER AND PER CENT OCCUPYING RENTED PROPERTY, 1896.

States.	Retail.			Wholesale.			Retail and whole- sale.			Aggregate.		
	Renting.			Renting.			Renting.			Total.	Renting.	
	Total.	Num- ber.	Per cent.	Total.	Num- ber.	Per cent.	Total.	Num- ber.	Per cent.		Num- ber.	Per cent.
California	1,479	1,443	97.56	60	59	98.33	126	120	95.23	1,665	1,613	96.88
Connecticut	2,239	1,570	70.12	10	7	70.00	166	96	57.83	2,415	1,673	69.28
Delaware	293	174	59.39	1	1	100.00	11	6	54.55	305	181	59.34
Illinois	6,340	4,720	74.45	19	15	78.95	222	140	67.12	6,581	4,884	74.21
Iowa	542	314	57.93	10	3	30.00	59	27	45.76	611	344	56.30
Louisiana	2,354	1,478	63.32	23	17	73.91	73	44	60.27	2,430	1,539	63.33
Maryland	2,872	2,240	77.99	8	5	62.50	109	79	72.48	2,989	2,324	77.75
Mississippi	80	46	57.50	5	2	40.00	12	7	58.33	97	55	56.70
New York	3,770	1,998	53.00	20	6	30.00	124	62	50.00	3,914	2,066	52.78
Ohio	2,636	1,872	71.02	53	43	81.13	82	65	79.27	2,771	1,980	71.45
Rhode Island	1,158	803	69.34	5	3	60.00	63	46	73.02	1,226	852	69.49
Tennessee	829	559	67.43	16	8	50.00	27	20	74.07	872	587	67.32
Virginia	834	553	65.31	5	3	60.00	32	18	56.25	871	574	65.90
Wisconsin	2,428	1,375	56.63	16	7	43.75	67	30	44.78	2,511	1,421	56.59
Total	27,834	19,145	68.78	251	170	67.73	1,173	778	66.33	29,258	20,093	68.68

This statement shows that out of the entire 29,258 establishments canvassed 20,093, or 68.68 per cent, were occupying rented property.

THE REVENUE FROM THE PRODUCTION OF AND THE TRAFFIC IN LIQUORS.

The revenue derived from liquor manufacture and traffic consists of the general tax levied on real and personal property employed in such manufacture and traffic; the United States internal-revenue tax; the customs duties on imported liquors; the license fees or special taxes collected under authority of the States, counties, and municipalities; and the fines collected from violators of the internal-revenue laws and of the laws of the States, counties, and municipalities controlling the manufacture and traffic.

The annual amount derived from the tax on real and personal property owned by persons and firms engaged in the manufacture of liquors is estimated at \$1,225,805.85, and the tax on real and personal property occupied by persons and firms engaged in the liquor traffic, and devoted exclusively to such traffic, as shown by such investigation, is estimated at \$10,075,120. The amount of the United States internal-revenue tax is ascertained from the reports of the Commissioner of Internal Revenue. The customs duties on imported liquors are shown in the publications of the Bureau of Statistics of the Treasury Depart-

ment. In order to ascertain the facts in regard to revenue collected by States, counties, and municipalities, however, special investigation was necessary. These facts were compiled from reports furnished by State, county, and municipal officials and show the amount of revenue collected as license fees or special taxes and fines for the violation of the laws controlling the liquor business during the year ending June 30, 1896, or the most convenient fiscal year ending nearest to that date.

A complete canvass has been made of the entire country, and it is believed that reports have been secured from practically all of the political subdivisions in which revenue of this character was collected during the fiscal year of 1896.

In some States—for instance, Connecticut, Michigan, Pennsylvania, and Ohio—all the license fees or special taxes were collected by the county officials, certain proportions being paid into the State, county, and municipal treasuries. For States in which this practice prevails, the table which follows does not show the number of municipalities that receive revenue, but only the number, if any, in which the officials actually collected license fees or taxes of this character.

In Iowa the county officials collect a special tax from the liquor traffic, half of which is paid into the treasury of the municipality where the saloon is located and half into the county treasury. In addition to this tax the cities have the right to, and do, collect a special tax on the liquor traffic, the entire amount of which is paid into the city treasury. For States in which this practice prevails, the table shows the number of counties in which the officials collect a revenue, and also the number of municipalities that collect a revenue in addition to that collected under authority of the county. Therefore the table does not show the total number of municipalities that receive a revenue from this source, as in a number of States the county officials collect the revenue and pay it, or a proportion of it, to the municipalities.

Fines are collected by numerous officials. For instance, in Massachusetts they are collected by justices of the peace, the clerk, or, if no clerk, the justice of the municipal or police and district courts, the sheriff, the keeper of the jail, or the master of the house of correction. All fines collected under sentence of the superior court are paid into the county treasuries, and all collected under sentence of courts inferior thereto are paid into the town or city treasuries.

The table showing the number of counties and municipalities reporting in regard to the collection of license fees or special taxes and fines follows.

COUNTIES AND MUNICIPALITIES COLLECTING LICENSE FEES OR SPECIAL TAXES AND FINES, BY STATES AND TERRITORIES.

States and Territories.	Counties reporting the collection of—				Municipalities reporting the collection of—			
	No license, tax, or fines.	License or tax, but no fines.	Fines, but no license or tax.	License or tax and fines.	No license, tax, or fines.	License or tax, but no fines.	Fines, but no license or tax.	License or tax and fines.
Alabama.....	15	21	11	19	14	52	4	18
Alaska (a).....								
Arizona.....		11		1	5	7		1
Arkansas.....	35	17	15	8	8	13	1	7
California.....		46	1	10	27	63	3	14
Colorado.....	21	23	4	3	43	95	1	15
Connecticut.....	1			7	109	1	50	1
Delaware.....		2		1			1	
District of Columbia.....								
Florida.....	12	27	4	2	20	30	2	9
Georgia.....	71	37	17	12	17	57	9	9
Idaho.....		19		2	26	9		2
Illinois.....	51	8	35	8	149	329	16	151
Indiana.....		50	1	41	120	224	1	54
Indian Territory (a).....								
Iowa.....	22	32	25	20	152	96	18	59
Kansas.....	50	41	5	9	226	2	68	
Kentucky.....	18	35	13	53	32	100	2	14
Louisiana.....	10	37	2	10	8	49		6
Maine.....			16		21	17		1
Maryland.....	9	9		6	8	8		1
Massachusetts.....		1	12		142	50	20	65
Michigan.....	2	35	4	42	742		20	
Minnesota.....	39	19	11	12	62	243	6	73
Mississippi.....	40	10	22	3	11	15	4	
Missouri.....	13	54	10	38	454	193	48	52
Montana.....		20		3	45	18		5
Nebraska.....	75	7	2	6	162	205	5	24
Nevada.....		14						
New Hampshire.....			10		10	16	19	9
New Jersey.....		11	1	9	14	35	1	14
New Mexico.....		14		4	14	6		2
New York (b).....								
North Carolina.....	17	70	1	8	31	84	1	13
North Dakota.....	19	14	1	6	99		12	
Ohio.....		74	1	13	920		153	
Oklahoma.....		13		4	26	27		5
Oregon.....	8	19	3	2	66	58	2	21
Pennsylvania.....		60		7				
Rhode Island.....	2		3		14	21		
South Carolina.....	2	23		11	17		4	
South Dakota.....	49		3		158	17	34	2
Tennessee.....	11	33	9	43	23	61		30
Texas.....	51	147	6	21	53	107		9
Utah.....	12	12		3	11	25	1	15
Vermont.....	1		13		3	96		
Virginia.....	8	80	1	11	59	49	2	21
Washington.....	7	22		5	18	76	1	3
West Virginia.....	17	17	9	12	174	29	14	56
Wisconsin.....	49		21		463	000	5	61
Wyoming (c).....								
Total.....	736	1,195	292	476	4,856	3,214	632	757

a No information received except that concerning United States revenue.

b Information obtained from State report, but not in form for this tabulation. All the counties (69) in the State appear to have collected revenue for the benefit of the State and municipalities.

c Information furnished by a State official, but not in form for this tabulation.

The number of counties in which revenue was collected as shown by this table will not, in every instance, agree with the number of counties in which revenue was collected as shown by Table X, of the Twelfth Annual Report, because in some States the municipalities collect revenue for the benefit of the counties. In New Jersey the county officials collect license fees, but it is all for the benefit of the municipalities. Therefore the above table shows that in New Jersey there were 20 counties that collected license fees, while Table X shows that the counties in the

State received no revenue from license fees or special taxes. In other words, the preceding table does not show the total number of counties or municipalities that receive license fees or special taxes and fines from the liquor business, but as nearly as possible the number in which the officials collect such revenue.

No information except that concerning United States revenue was received for Alaska or Indian Territory. There were 2,771 organized counties in the United States, and excluding Wyoming there were 2,759 organized counties. The officials in 736 of these counties, or 26.68 per cent of the total, reported that no license fees or special taxes and fines were collected from the liquor business; in 1,255 counties (which include the 60 in New York), or 45.49 per cent of the total, the officials reported that license fees or special taxes had been collected, but no fines; in 292 counties, or 10.58 per cent of the total, they reported that fines had been collected, but no license fees or special taxes; while in 476 counties, or 17.25 per cent of the total, they reported that both license fees or special taxes and fines had been collected. Combining the counties that reported only one class of revenue with those that reported both, it appears that the officials in 2,023 counties, or 73.32 per cent of the total, collected a special revenue, either as license fees or fines, from the liquor traffic. The officials in 1,731 counties, or 62.74 per cent of the total, reported that license fees or special taxes had been collected from the liquor business.

In considering the municipalities it must be remembered that the term embraced all minor civil divisions within a county. In 4,856 municipalities the officials reported that no license fees or special taxes and fines were collected from the liquor business. This number includes many places that were not incorporated, and for that reason collected no revenue. This is particularly true of the municipalities in the States of Illinois, Iowa, Kansas, Michigan, Minnesota, Nebraska, North Dakota, South Dakota, West Virginia, and Wisconsin. The conditions in these States were such that schedules had to be sent to a large number of municipalities in order to insure reports being secured for all places in which revenue was collected. The fact that the places were or were not incorporated could not be determined prior to sending the schedule. While, as a rule, the license fees or special taxes were collected by the county officials in Connecticut, Michigan, and Ohio, the city officials in these States could and did to some extent collect fines for violations of the laws and ordinances controlling the liquor business.

Table X.—License fees or special taxes and fines collected from the liquor business by State, county, and municipal officials, by counties, for the year ending June 30, 1896.—This table shows in detail for each State the amount of license fees or special taxes and fines collected in each county for the benefit of State, county, and municipality. These are in the next table brought together by States, and in add

amount of license fees or special taxes collected for the benefit of the United States is given.

Table XI.—License fees or special taxes and fines collected from the liquor business, by States and Territories, for the year ending June 30, 1896.—This table shows that, according to the reports received by the Department from State, county, and municipal officials, and the report of the Commissioner of Internal Revenue, the total amount collected during the year ending June 30, 1896, as a special revenue from the liquor business was \$165,020,175. Of this amount the United States received \$114,450,861.77, or 69.35 per cent; the States, \$10,490,315.16, or 6.36 per cent; the counties, \$5,389,782.81, or 3.27 per cent; the municipalities, \$34,689,215.26, or 21.02 per cent. The license fees or special taxes amounted to \$164,016,401.68, or 99.39 per cent of the total, and the fines to \$1,003,773.32, or 0.61 per cent of the total.

The revenue shown to have been collected for the benefit of the United States is the amount reported by the Commissioner of Internal Revenue as the collections from distilled and fermented liquors. If it were desired to ascertain the net amount realized by the United States as revenue from the liquor business, it would be necessary to deduct from the above amount the cost of collection. This, for all classes of internal revenue, was \$4,086,292.47. The expense that pertains to the collection of the revenue from the liquor business as distinct from that for the collection of revenue from tobacco, oleomargarine, and other sources is not reported, and it is not possible to accurately estimate it.

The Commissioner of Internal Revenue reports \$184,167.44 as the net total of penalties collected during the year. This amount includes the revenue derived from the sale of confiscated liquors, some miscellaneous items, and all amounts recovered by suits for violations of the internal-revenue laws generally. It was impossible to ascertain, from the records of the Treasury Department, the portion of this total that was collected for violation of those provisions of the laws which pertain exclusively to the manufacture and sale of distilled and fermented liquors. It is probable that the larger portion, possibly two-thirds (\$122,778.29), of the total penalties were collected from the liquor business. The clerks of the United States district courts in Indian Territory reported that they collected during the year from violators of the statutes controlling the liquor traffic in the Territory \$1,066.67. This will make an estimated total of \$123,844.96 as the annual amount derived by the United States as revenue from fines, sales of confiscated liquors, and miscellaneous items pertaining to the liquor business, but not reported as special taxes.

As a rule, the amounts indicated in Tables X and XI as having been taken from State reports are the net receipts—that is, the aggregate, less any commissions or fees that may have been allowed for collecting. In States where no fees or commissions were allowed, but a salary paid, the amounts are the gross collections. The circular sent from the

Department was designed to ascertain the total amount collected. When commissions or fees were allowed and reported separately they were apportioned among the collections for the benefit of the State, the county, or the municipalities, respectively. This was necessary in order to make, as far as possible, a uniform report, as in the majority of the counties and cities the officials were paid salaries, and it was impossible to ascertain the proportion of the total salary that was paid for collecting the revenue from the liquor business as distinct from the other miscellaneous duties performed by the same official.

In some States—for instance, New Jersey and Pennsylvania—the officials who collect the license fees are allowed a fee on each application, also fees for issuing transfers of licenses and fees to meet expenses of advertising, recording, etc. In some States these fees were retained as a part of the salary or perquisite, while in others they were paid into the county or municipal treasury. Fees of this character had evidently not been fully reported in all of the States.

The revenue derived from "druggists' licenses," under which liquor is sold on a physician's prescription or in limited quantities, is not included in this report, because it was impossible to ascertain the proportional amount of the druggist's license that should be charged to the traffic in liquors only. For the same reason licenses issued to merchants indiscriminately or according to the amount of business transacted, but not designating the liquor business as a special object of taxation, have not been included. If, however, the druggist or merchant was required to pay a license in addition to his regular druggist's or merchant's license in order to sell liquors, the amount of this additional license has been ascertained and is included in the license fees or special taxes. In the States of Kentucky and Missouri a general ad valorem tax is imposed on all stock of merchants, and in addition to this a license fee is required for the sale of liquors. The amount of this ad valorem tax collected in Kentucky for the benefit of the State during the year ending June 30, 1896, was \$17,976.47. The amount collected in Missouri during the year ending December 31, 1896, for the benefit of the State and counties was \$14,139.23. In these States the laws contain special provisions as to the method of collecting this tax on liquors, and the amounts here given have been taken from the State reports. The amount collected in Kentucky for the benefit of the counties and cities or in Missouri for the benefit of the cities (if any) is not shown. While there is probably a considerable revenue derived in this way from the liquor business, it can not be considered a special tax or license, and it probably has not been fully reported in response to inquiries concerning the tax paid on real and personal property. This class of revenue, therefore, is not included in this report, except to the extent given above for Kentucky and Missouri.

The inquiry concerning fines was intended to secure a report of any revenue derived especially from the liquor business that probably would

not be given in answer to inquiries concerning license fees or taxes. Therefore not only fines and costs were given in answer to this inquiry, but also amounts derived from the sale of confiscated liquors.

The Department has taken every precaution to obtain, as far as possible, a full report as to the fines collected for violations of the laws controlling the liquor business, and it is believed that for the majority of the States complete reports have been secured. In some States fines were paid into the county and municipal treasuries in lump sums, without designating the character of the offense for which the fine was imposed. In such cases, when the treasurer or accounting officer could not give the amount of fines for violations of the laws controlling the liquor business, schedules were sent to the court officials or others who were supposed to be cognizant of the character of the prosecutions. In a few States the fines collected were applied to the payment of the prosecuting attorneys' fees and other court expenses. In such cases it was difficult and sometimes impossible to ascertain the actual amount collected.

The fines shown in this report do not include those collected for drunkenness or disorderly conduct.

While it is known that in many States there was a large number of prosecutions for violations of the liquor laws, from an examination of the reports it appears that there were comparatively few convictions, and of the convictions a comparatively small number in which fines were actually collected. A large proportion of the cases were compromised or the fines remitted on the payment of costs, while in others a jail sentence was imposed and no fine or costs collected. In certain localities in New Jersey and Pennsylvania, and possibly in other States, it appears to have been the practice to institute prosecutions for keeping a "disorderly house" when the disorder consisted entirely of the illegal sale of liquors: but as the court records do not disclose the fact that the illegal sale of liquor was considered in the prosecution, it was impossible to ascertain which of the cases were due to violations of the liquor laws.

Only money actually collected has been reported. If the fine imposed was worked out on the county farm, roads, or other method of convict labor, it has not been considered. It was not practicable to separate the value of such services rendered by those convicted for violations of the liquor laws from the total value placed on all convict labor.

In States where local-option or prohibition laws prevailed the local officials and the special agents of the Department frequently reported that revenue had been collected, but owing to the fact that the amounts were indiscriminately reported as licenses or fines, it was impossible to decide to which class of revenue they should be assigned, and they were tabulated as returned.

In spite of all the difficulties in the way of securing complete returns, it is believed that the actual annual amount of fines collected for viola-

tions of the laws controlling the liquor traffic is but slightly in excess of that shown in this report.

The total annual revenue derived from liquor manufacture and traffic may be recapitulated as follows:

Tax on real and personal property employed in liquor manufacture (estimated).....	\$1,225,805.85
Tax on real and personal property employed in liquor traffic (estimated)	10,075,120.00
Ad valorem tax in Kentucky and Missouri.....	32,115.70
United States internal-revenue tax	114,450,861.77
License fees or special taxes, States	10,399,015.60
License fees or special taxes, counties	5,011,225.06
License fees or special taxes, municipalities	34,155,299.25
Fines, States.....	91,299.56
Fines, counties.....	378,557.75
Fines, municipalities.....	553,916.01
Fines, sales of confiscated liquors, etc., United States (estimated) ...	123,844.96
Customs duties on imported liquors	6,736,063.00
Total.....	183,213,124.51

After what has been said about the methods of collecting license fees or special taxes and fines, and the difficulties of ascertaining the amounts of such collections, it need hardly be said that to ascertain the cost of collecting such revenues was simply impossible. The officials making the collections were generally paid salaries covering all the duties of their positions, of which the collections formed a small and variable part. In the collection of fines, to cite an example, the cost was inseparably bound up with other court costs, including the salaries of a number of officials. For these reasons it will be seen that it is not possible to give even an estimate of the cost.

THE EXPERIENCE AND PRACTICE OF EMPLOYERS RELATIVE TO THE USE OF INTOXICANTS.

In addition to the foregoing strictly statistical results of a study of the liquor problem it was desired to possess some information in regard to the use of intoxicating liquors in its relation to employment, based on the observation and experience of large employers of labor in various industries. It seemed desirable to ascertain from such sources what consideration is given to the drinking habits of the seeker for employment and what means are used in judging the prospective employee generally. To acquire a knowledge of the lines of industry, establishments, and occupations in which those indulging in intoxicating liquors are not employed, and the reasons for such nonemployment, seemed important. The extent of the use of liquors by employees subject to night work, overwork, exposure, irregularity of hours of labor such as to work hardship, the shortening of the hours of labor, etc., was deemed to be a subject on which employers' experience and opinions of value. The relation between p

days, and Sundays and overindulgence in intoxicants was suggested in the same connection. And, finally, it seemed of interest to ask what means employers would suggest, as in their opinion the best, to lessen the consumption of intoxicating liquors.

The foregoing inquiries and a few others were embodied in a schedule which was sent to a large number of employers of labor in various parts of the country, who were requested to furnish answers to the inquiries. This schedule was sent to 30,414 employers, of whom 12,114 were engaged in agriculture, 6,673 in manufactures, 6,582 in mining and quarrying, 3,040 in trade, and 2,005 in transportation.

The following statement shows by industries the number of establishments sending replies to the inquiries and the number of employees engaged in each industry:

ESTABLISHMENTS REPORTING AND NUMBER OF EMPLOYEES, BY INDUSTRIES.

Items.	Agriculture.	Manufactures.	Mining and quarrying.	Trade.	Transportation.	Total.
Total establishments	823	3,744	1,188	541	729	7,025
Establishments reporting number of employees	783	3,700	1,164	541	713	6,901
Total employees reported	41,355	1,011,661	174,806	59,337	458,764	1,745,923
Establishments not reporting number of employees	40	44	24	.....	16	124

Of the total of 7,025 establishments returning the schedule of inquiries, 6,901 reported as to number of employees. The total employees reported was 1,745,923. The manufacturing industry furnished the greatest number of establishments and employees, 3,700 establishments reporting 1,011,661 employees. In transportation 713 companies reported 458,764 employees. In other industries fewer employees were reported, but the number was sufficient in each case to make the statement fairly representative.

Employers were asked if in employing new men they were accustomed to give consideration to habits as to the use of intoxicating liquors, and, if so, what means were used to ascertain such habits. Out of 6,976 employers answering the inquiry, 1,613 reported that liquor habits were not taken into consideration; 5,363 reported that means were taken to ascertain the facts. The various means employed are shown for each industry in the table following.

**MEANS EMPLOYED WHEN HIRING EMPLOYEES TO ASCERTAIN THEIR HABITS AS
TO THE USE OF INTOXICATING LIQUORS.**

Means employed.	Agri- cul- ture.	Manu- fac- tures.	Min- ing and quar- rying.	Trade.	Trans- porta- tion.	Total.
Personal knowledge	57	121	94	11	22	305
Personal knowledge and reputation	7	7	2		4	20
Personal knowledge and appearance	8	26	16	1	1	52
Personal knowledge and questioning applicant	4	15	3		1	23
Personal knowledge and recommendations	8	32	12	6	19	77
Personal knowledge and recommendations from former employers		1	1	1	6	9
Personal knowledge and inquiry of former employers		3	1		2	6
Personal knowledge and inquiry	29	46	17	3	21	116
Reputation	13	44	17	4	11	89
Reputation and appearance	16	51	16	4	7	94
Reputation and questioning applicant	1	18	1	2	2	24
Reputation and recommendations	1	10	1	1	3	16
Reputation and recommendations from former employers		1			1	2
Reputation and inquiry of former employers		1			1	2
Reputation and inquiry	3	18	1		3	25
Appearance	88	307	49	22	17	433
Appearance and questioning applicant	18	176	28	11	8	241
Appearance and recommendations	7	80	11	16	20	134
Appearance and recommendations from former employers		8	2	5	9	24
Appearance and inquiry of former employers	1	12	2	2	5	22
Appearance and inquiry	25	220	39	29	47	360
Questioning applicant	45	238	67	21	30	410
Questioning applicant and recommendations	11	116	2	29	32	190
Questioning applicant and recommendations from former employers		7	1	1	9	18
Questioning applicant and inquiry of former employers	2	20	4	6	7	39
Questioning applicant and inquiry	12	142	25	29	33	241
Recommendations	16	137	6	41	55	255
Recommendations from former employers and others		2	1	2	5	10
Recommendations and inquiry of former employers	2	7		5	5	19
Recommendations and inquiry	9	105	6	10	25	161
Recommendations from former employers	10	23	7	17	31	93
Recommendations from former employers and inquiry		9	5	5	16	35
Inquiry of former employers	16	69	18	25	29	157
Inquiry of former employers and others	4	28	1	13	15	61
Inquiry of former employers and bond required					1	1
Inquiry	114	447	105	93	143	901
Bond required					8	8
Offer them liquor and make inquiry	1					1
Means employed not reported	103	391	107	50	42	693
Total	581	2,940	668	471	703	5,363
Do not take liquor habit into consideration	229	783	513	64	24	1,613
Not reported	13	21	7	6	2	49

This table shows that the largest per cent of employers making some investigation in regard to the liquor habits of the men was found in transportation, 703 reporting that some inquiry was made and but 24 that men were employed without regard to such habits. In trade 471 reported that habits were considered and 64 that they were not. In manufactures 2,940 reported some consideration and 783 none.

It was found that in some establishments no one using intoxicating liquors was employed. In other cases the prohibition applied to certain occupations only, and in still other cases to employees only when on duty. The reasons for the prohibition as regards establishments and occupations as stated by the employers reporting on this subject are shown in the statement following.

REASONS FOR REQUIREMENT THAT EMPLOYEES SHALL NOT USE INTOXICATING LIQUORS.

Reasons given.	Agri- cul- ture.	Manu- fac- tures.	Min- ing and quar- rying.	Trade.	Trans- porta- tion.	Total.
Because of personal disgust for drinking men.....	3					3
Because of responsibility of position.....	54	322	107	8	64	555
Because of responsibility of position and to make good example for other employees.....	2	12	4	1	1	20
Because of their youth.....		1				1
Because of unreliability of drinking men.....	20	71	7	20	6	134
Because of unreliability of drinking men and their dis- agreeableness to customers.....		2		2		4
Because of unreliability of drinking men and personal disgust for them.....		1		3		4
So we can control them.....	3	3	5			11
For purposes of economy.....		6				6
For the good of employees.....		2				2
To guard against abuse of animals.....	5					5
To guard against accidents.....	46	316	199	16	109	686
To guard against accidents and abuse of animals.....	6			2		8
To guard against accidents and because of personal dis- gust for drinking men.....		1				1
To guard against accidents and because of responsibility of position.....	2	27	25	1	10	65
To guard against accidents and because of unreliability of drinking men.....	1	6	2		1	10
To guard against accidents and dishonesty.....	1	1			1	2
To guard against accidents and for economy.....		5				5
To guard against accidents and to make good example for other employees.....	1	10	6		2	19
To guard against accidents, inefficiency, and poor work.....	5	23	14	1	3	46
To guard against dishonesty.....	10	6	1	5	1	23
To guard against incompetency.....		31		6	3	40
To guard against inefficiency and to make good example for other employees.....	1	4	1			6
To guard against inefficiency and poor work.....	10	21	32	2	2	67
To guard against inefficiency, poor work, and abuse of animals.....	2			1		3
To guard against inefficiency, poor work, and dishonesty.....		2	2	1		5
To guard against irregularity in time.....	1		1			2
To guard against irregularity in time and because of unreliability of drinking men.....	17			1		18
To guard against irregularity in time, inefficiency, and poor work.....	6	1	3			10
To guard against temptation.....		2				2
To make good example for other employees.....	2	22	4			28
To prevent retarding work.....	1	1	1			3
Total.....	208	899	414	70	203	1,794

The two chief single reasons given by employers for the requirement that employees shall not use intoxicating liquors are seen to be "to guard against accidents" and "because of responsibility of position." These two make up more than two-thirds of the number reporting, and, in combination with others, comprehend a great many of the remaining cases. The statement, "because of responsibility of position," is somewhat general in character. It was principally applied to engineers, overseers, foremen, and watchmen. For this reason it is probable that the statement more in detail would divide itself into several heads, viz: To guard against accident, fire, or theft; to secure honesty and reliability, and to make a good example for other employees.

The facts with regard to establishments prohibiting the use of intoxicating liquors by employees either on or off duty are shown in the statement following.

ESTABLISHMENTS FORBIDDING USE OF INTOXICATING LIQUORS BY EMPLOYEES.

	Agriculture.	Manufactures.	Mining and quarrying.	Trade.	Transportation.	Total.
Establishments requiring that no employees shall use intoxicating liquors when on duty.....	42	492	140	14	167	855
Establishments requiring that no employees shall use intoxicating liquors either on or off duty.....	153	218	43	79	203	696
Establishments requiring that employees in certain occupations shall not use intoxicating liquors when on duty.....	64	364	159	40	65	692
Establishments requiring that employees in certain occupations shall not use intoxicating liquors either on or off duty.....	151	663	290	45	135	1,284
Total establishments making some requirement that employees, or employees in certain occupations, shall not use intoxicating liquors.....	410	1,737	632	178	570	3,527
Establishments making no requirement that employees shall not use intoxicating liquors.....	353	1,907	526	341	138	3,265
Establishments not reporting whether any requirement is made that employees shall not use intoxicating liquors.....	60	100	30	22	21	233

This table brings out the fact that more than one-half of the establishments reporting require in certain occupations and under certain circumstances that employees shall not use intoxicating liquors. The whole number making some such requirement was 3,527, while the number of establishments making no requirement was 3,265.

The principal occupations reported as those in which employees are required not to use intoxicating liquors while on duty are—

In agriculture: Foremen, managers, engineers, firemen, cotton ginner, stockmen, sugarhouse employees, clerks, machine hands, cotton planters, and teamsters.

In manufactures: Engineers, firemen, watchmen, foremen, managers, clerks, sawyers, filers, teamsters, machine hands, and packers.

In mining and quarrying: Foremen, engineers, firemen, weighmen, watchmen, machinists, clerks, electricians, handlers of explosives, drivers, and teamsters.

In trade: Engineers, firemen, foremen, watchmen, clerks, salesmen, elevator men, janitors, teamsters, and porters.

In transportation: Trainmen, motormen, conductors, telegraph operators, agents, foremen, electricians, switchmen, and pilots.

The principal occupations reported as those in which employees are required not to use intoxicating liquors either on or off duty are—

In agriculture: Foremen, managers, engineers, firemen, cotton ginner, sugarhouse employees, clerks, machine hands, and teamsters.

In manufactures: Engineers, firemen, watchmen, foremen, clerks, mechanics, sawyers, filers, salesmen, and machine hands.

In mining and quarrying: Foremen, engineers, firemen, weighmen, watchmen, machinists, clerks, electricians, handlers of explosives, drivers, and teamsters.

In trade: Foremen, clerks, watchmen, and salesmen.

In transportation: Trainmen, motormen, conductors, telegraph operators, agents, foremen, electricians, and switchmen.

Establishments having employees subject to night work were asked to state whether such employees were more addicted to the use of intoxicating liquors than others. In all, 1,659 establishments reported having employees subject to night work and 5,337 reported subject to night work. The result in detail follows.

USE OF INTOXICATING LIQUORS BY EMPLOYEES SUBJECT TO NIGHT WORK.

	Agri- cul- ture.	Manu- fac- tures.	Min- ing and quar- rying.	Trade.	Trans- porta- tion.	Total.
Establishments having employees subject to night work:						
Reporting such employees more addicted to use of intoxicating liquors than others	23	90	14	3	11	141
Reporting such employees not more addicted to use of intoxicating liquors than others	94	680	197	56	433	1,460
Not reporting as to use of intoxicating liquors by such employees.....	10	24	2	2	20	58
Total	127	794	213	61	464	1,659
Establishments having no employees subject to night work.....	688	2,942	966	479	262	5,337
Establishments not reporting whether employees are subject to night work	8	8	9	1	3	29

It does not appear from the foregoing table that employees subject to night work are to any considerable degree addicted to the use of intoxicating liquors beyond other employees. It is seen that but 141 establishments out of 1,659 having employees subject to night work reported that such employees were more addicted to the habit than others, while 1,460 reported that there was no difference.

The leading occupations of employees reported subject to night work, who are also more addicted to the use of intoxicating liquors than other employees, are—

In agriculture: Stockmen, tobacco curers, cotton ginner, engineers, firemen, laborers, dairy hands, sugar-plantation men, and watchmen.

In manufactures: Compositors, pressmen, engineers, firemen, sawmill employees, furnace and rolling mill employees, stevedores, tailors, and kilnmen.

In mining and quarrying: Miners, quarrymen, engineers, firemen, laborers, teamsters, and smelters.

In trade: Coal heavers, drivers, and telegraph operators.

In transportation: Trainmen, switchmen, motormen, conductors, drivers, sailors, and stevedores.

The facts for establishments having employees subject to overwork are shown, as reported, in the following statement:

USE OF INTOXICATING LIQUORS BY EMPLOYEES SUBJECT TO OVERWORK.

	Agri- cul- ture.	Manu- fac- tures.	Min- ing and quar- rying.	Trade.	Trans- porta- tion.	Total.
Establishments having employees subject to overwork:						
Reporting such employees more addicted to use of intoxicating liquors than others	16	51	14	7	11	99
Reporting such employees not more addicted to use of intoxicating liquors than others	53	200	52	32	99	436
Not reporting as to use of intoxicating liquors by such employees.....	8	8	3	.....	4	23
Total	77	259	69	39	114	556
Establishments having no employees subject to overwork.....	720	3,454	1,103	490	612	6,379
Establishments not reporting whether employees are sub- ject to overwork	26	31	16	12	3	88

This statement shows that of 558 establishments having employees subject to overwork 99 reported that such employees were more addicted to the use of intoxicating liquors than others, 436 that such employees were not more addicted than others, while 23 failed to answer this inquiry.

The leading occupations of employees reported subject to overwork, who are also more addicted to the use of intoxicating liquors than other employees, are—

In agriculture: Stockmen, sheep shearers, cotton ginner, firemen, laborers, harvest hands, and tobacco curers.

In manufactures: Teamsters, loggers, puddlers, molders, engineers, machinists, carpenters, and blacksmiths.

In mining and quarrying: Miners, quarrymen, teamsters, and laborers.

In trade: Bookkeepers, clerks, drivers, and coal shovelers.

In transportation: Trainmen, sectionmen, flagmen, switchmen, drivers, sailors, and stevedores.

The drinking habits of employees subject to exposure to severe weather are shown in the following statement:

USE OF INTOXICATING LIQUORS BY EMPLOYEES SUBJECT TO EXPOSURE TO SEVERE WEATHER.

	Agri- cul- ture.	Manu- fac- tures.	Min- ing and quar- rying.	Trade.	Trans- porta- tion.	Total.
Establishments having employees subject to exposure to severe weather:						
Reporting such employees more addicted to use of intoxicating liquors than others.....	65	151	54	43	68	381
Reporting such employees not more addicted to use of intoxicating liquors than others.....	191	540	373	100	415	1,619
Not reporting as to use of intoxicating liquors by such employees.....	16	18	21	6	23	81
Total	272	709	448	149	503	2,081
Establishments having no employees subject to exposure to severe weather.....	532	3,006	732	388	222	4,880
Establishments not reporting whether employees are subject to exposure to severe weather.....	19	29	8	4	4	64

Out of 2,081 establishments having employees subject to exposure to severe weather, 381 reported that such employees were more addicted to the use of intoxicating liquors than others, 1,619 that such employees were not more addicted than others, and 81 failed to make report in regard to their experience on this point.

The leading occupations of employees reported subject to exposure to severe weather, who are also more addicted to the use of intoxicating liquors than other employees, are—

In agriculture: Field hands, teamsters, and stockmen.

In manufactures: Teamsters, loggers, clay diggers, coal handlers, iron handlers, lumber handlers, and yardmen.

In mining and quarrying: Quarrymen, teamsters, coal handlers, coke handlers, and laborers.

In trade: Drivers, collectors, porters, and laborers.

In transportation: Trainmen, sectionmen, bridgemen, motormen, drivers, sailors, and stevedores.

COUNTIES AND MUNICIPALITIES COLLECTING LICENSE FEES OR SPECIAL TAXES AND FINES, BY STATES AND TERRITORIES.

States and Territories.	Counties reporting the collection of—				Municipalities reporting the collection of—			
	No license, tax, or fines.	License or tax, but no fines.	Fines, but no license or tax.	License or tax and fines.	No license, tax, or fines.	License or tax, but no fines.	Fines, but no license or tax.	License or tax and fines.
Alabama.....	15	21	11	19	14	52	4	18
Alaska (a).....								
Arizona.....		11		1	5	7		1
Arkansas.....	35	17	15	8	8	13	1	7
California.....		46	1	10	27	68	3	14
Colorado.....	21	28	4	3	43	95	1	15
Connecticut.....	1	1		7	109	1	59	1
Delaware.....		2		1			1	
District of Columbia.....								
Florida.....	12	27	4	2	29	30	2	9
Georgia.....	71	37	17	12	17	57	9	9
Idaho.....		19		2	26	9		
Illinois.....	51	8	35	8	149	329	16	153
Indiana.....		50	1	41	120	224	1	54
Indian Territory (a).....								
Iowa.....	22	32	25	20	152	96	18	29
Kansas.....	50	41	5	9	286	2	68	
Kentucky.....	18	35	13	53	82	100	2	14
Louisiana.....	10	37	2	10	8	49		6
Maine.....			16		21	17		1
Maryland.....	9	9		6	8	8		1
Massachusetts.....		1	12		142	59	90	65
Michigan.....	2	35	4	42	748		29	
Minnesota.....	39	19	11	12	62	243	6	76
Mississippi.....	40	10	22	3	11	15	4	
Missouri.....	13	54	10	38	454	108	48	32
Montana.....		20		3	45	18		5
Nebraska.....	75	7	2	6	162	205	5	24
Nevada.....		14						
New Hampshire.....			10		10	16	19	9
New Jersey.....		11	1	9	14	35	1	16
New Mexico.....		14		4	14	6		2
New York (b).....								
North Carolina.....	17	70	1	8	31	84	1	13
North Dakota.....	19	14	1	6	99		12	
Ohio.....		74	1	13	920		158	
Oklahoma.....		18		4	26	27		5
Oregon.....	8	19	3	2	66	58	2	21
Pennsylvania.....		80		7				
Rhode Island.....	2		3		14	21		
South Carolina.....	2	23		11	17		4	
South Dakota.....	49		3		158	17	34	2
Tennessee.....	11	33	9	43	23	61		30
Texas.....	51	147	6	21	58	107		9
Utah.....	12	12		3	11	25	1	15
Vermont.....	1		13		3	96		
Virginia.....	8	80	1	11	59	49	2	21
Washington.....	7	22		5	18	76	1	3
West Virginia.....	17	17	9	12	174	29	14	16
Wisconsin.....	49		21		463	609	5	61
Wyoming (c).....								
Total.....	736	1,195	292	476	4,856	3,214	632	757

a No information received except that concerning United States revenue.

b Information obtained from State report, but not in form for this tabulation. All the counties (60) in the State appear to have collected revenue for the benefit of the State and municipalities.

c Information furnished by a State official, but not in form for this tabulation.

The number of counties in which revenue was collected as shown by this table will not, in every instance, agree with the number of counties in which revenue was collected as shown by Table X, of the Twelfth Annual Report, because in some States the municipalities collect revenue for the benefit of the counties. In New Jersey the county officials collect license fees, but it is all for the benefit of the municipalities. Therefore the above table shows that in New Jersey there were 20 counties that collected license fees, while Table X shows that the counties in the

State received no revenue from license fees or special taxes. In other words, the preceding table does not show the total number of counties or municipalities that receive license fees or special taxes and fines from the liquor business, but as nearly as possible the number in which the officials collect such revenue.

No information except that concerning United States revenue was received for Alaska or Indian Territory. There were 2,771 organized counties in the United States, and excluding Wyoming there were 2,759 organized counties. The officials in 736 of these counties, or 26.68 per cent of the total, reported that no license fees or special taxes and fines were collected from the liquor business; in 1,255 counties (which include the 60 in New York), or 45.49 per cent of the total, the officials reported that license fees or special taxes had been collected, but no fines; in 292 counties, or 10.58 per cent of the total, they reported that fines had been collected, but no license fees or special taxes; while in 476 counties, or 17.25 per cent of the total, they reported that both license fees or special taxes and fines had been collected. Combining the counties that reported only one class of revenue with those that reported both, it appears that the officials in 2,023 counties, or 73.32 per cent of the total, collected a special revenue, either as license fees or fines, from the liquor traffic. The officials in 1,731 counties, or 62.74 per cent of the total, reported that license fees or special taxes had been collected from the liquor business.

In considering the municipalities it must be remembered that the term embraced all minor civil divisions within a county. In 4,856 municipalities the officials reported that no license fees or special taxes and fines were collected from the liquor business. This number includes many places that were not incorporated, and for that reason collected no revenue. This is particularly true of the municipalities in the States of Illinois, Iowa, Kansas, Michigan, Minnesota, Nebraska, North Dakota, South Dakota, West Virginia, and Wisconsin. The conditions in these States were such that schedules had to be sent to a large number of municipalities in order to insure reports being secured for all places in which revenue was collected. The fact that the places were or were not incorporated could not be determined prior to sending the schedule. While, as a rule, the license fees or special taxes were collected by the county officials in Connecticut, Michigan, and Ohio, the city officials in these States could and did to some extent collect fines for violations of the laws and ordinances controlling the liquor business.

Table X.—License fees or special taxes and fines collected from the liquor business by State, county, and municipal officials, by counties, for the year ending June 30, 1896.—This table shows in detail for each State the amount of license fees or special taxes and fines collected in each county for the benefit of State, county, and municipality. These facts are in the next table brought together by States, and in addition the

amount of license fees or special taxes collected for the benefit of the United States is given.

Table XI.—License fees or special taxes and fines collected from the liquor business, by States and Territories, for the year ending June 30, 1896.—This table shows that, according to the reports received by the Department from State, county, and municipal officials, and the report of the Commissioner of Internal Revenue, the total amount collected during the year ending June 30, 1896, as a special revenue from the liquor business was \$165,020,175. Of this amount the United States received \$114,450,861.77, or 69.35 per cent; the States, \$10,490,315.16, or 6.36 per cent; the counties, \$5,389,782.81, or 3.27 per cent; the municipalities, \$34,689,215.26, or 21.02 per cent. The license fees or special taxes amounted to \$164,016,401.68, or 99.39 per cent of the total, and the fines to \$1,003,773.32, or 0.61 per cent of the total.

The revenue shown to have been collected for the benefit of the United States is the amount reported by the Commissioner of Internal Revenue as the collections from distilled and fermented liquors. If it were desired to ascertain the net amount realized by the United States as revenue from the liquor business, it would be necessary to deduct from the above amount the cost of collection. This, for all classes of internal revenue, was \$4,086,292.47. The expense that pertains to the collection of the revenue from the liquor business as distinct from that for the collection of revenue from tobacco, oleomargarine, and other sources is not reported, and it is not possible to accurately estimate it.

The Commissioner of Internal Revenue reports \$184,167.44 as the net total of penalties collected during the year. This amount includes the revenue derived from the sale of confiscated liquors, some miscellaneous items, and all amounts recovered by suits for violations of the internal-revenue laws generally. It was impossible to ascertain, from the records of the Treasury Department, the portion of this total that was collected for violation of those provisions of the laws which pertain exclusively to the manufacture and sale of distilled and fermented liquors. It is probable that the larger portion, possibly two-thirds (\$122,778.29), of the total penalties were collected from the liquor business. The clerks of the United States district courts in Indian Territory reported that they collected during the year from violators of the statutes controlling the liquor traffic in the Territory \$1,066.67. This will make an estimated total of \$123,844.96 as the annual amount derived by the United States as revenue from fines, sales of confiscated liquors, and miscellaneous items pertaining to the liquor business, but not reported as special taxes.

As a rule, the amounts indicated in Tables X and XI as having been taken from State reports are the net receipts—that is, the aggregate, less any commissions or fees that may have been allowed for collecting. In States where no fees or commissions were allowed, but a salary paid, the amounts are the gross collections. The circular sent from the

Department was designed to ascertain the total amount collected. When commissions or fees were allowed and reported separately they were apportioned among the collections for the benefit of the State, the county, or the municipalities, respectively. This was necessary in order to make, as far as possible, a uniform report, as in the majority of the counties and cities the officials were paid salaries, and it was impossible to ascertain the proportion of the total salary that was paid for collecting the revenue from the liquor business as distinct from the other miscellaneous duties performed by the same official.

In some States—for instance, New Jersey and Pennsylvania—the officials who collect the license fees are allowed a fee on each application, also fees for issuing transfers of licenses and fees to meet expenses of advertising, recording, etc. In some States these fees were retained as a part of the salary or perquisite, while in others they were paid into the county or municipal treasury. Fees of this character had evidently not been fully reported in all of the States.

The revenue derived from “druggists’ licenses,” under which liquor is sold on a physician’s prescription or in limited quantities, is not included in this report, because it was impossible to ascertain the proportional amount of the druggist’s license that should be charged to the traffic in liquors only. For the same reason licenses issued to merchants indiscriminately or according to the amount of business transacted, but not designating the liquor business as a special object of taxation, have not been included. If, however, the druggist or merchant was required to pay a license in addition to his regular druggist’s or merchant’s license in order to sell liquors, the amount of this additional license has been ascertained and is included in the license fees or special taxes. In the States of Kentucky and Missouri a general ad valorem tax is imposed on all stock of merchants, and in addition to this a license fee is required for the sale of liquors. The amount of this ad valorem tax collected in Kentucky for the benefit of the State during the year ending June 30, 1896, was \$17,976.47. The amount collected in Missouri during the year ending December 31, 1896, for the benefit of the State and counties was \$14,139.23. In these States the laws contain special provisions as to the method of collecting this tax on liquors, and the amounts here given have been taken from the State reports. The amount collected in Kentucky for the benefit of the counties and cities or in Missouri for the benefit of the cities (if any) is not shown. While there is probably a considerable revenue derived in this way from the liquor business, it can not be considered a special tax or license, and it probably has not been fully reported in response to inquiries concerning the tax paid on real and personal property. This class of revenue, therefore, is not included in this report, except to the extent given above for Kentucky and Missouri.

The inquiry concerning fines was intended to secure a report of any revenue derived especially from the liquor business that probably would

not be given in answer to inquiries concerning license fees or taxes. Therefore not only fines and costs were given in answer to this inquiry, but also amounts derived from the sale of confiscated liquors.

The Department has taken every precaution to obtain, as far as possible, a full report as to the fines collected for violations of the laws controlling the liquor business, and it is believed that for the majority of the States complete reports have been secured. In some States fines were paid into the county and municipal treasuries in lump sums, without designating the character of the offense for which the fine was imposed. In such cases, when the treasurer or accounting officer could not give the amount of fines for violations of the laws controlling the liquor business, schedules were sent to the court officials or others who were supposed to be cognizant of the character of the prosecutions. In a few States the fines collected were applied to the payment of the prosecuting attorneys' fees and other court expenses. In such cases it was difficult and sometimes impossible to ascertain the actual amount collected.

The fines shown in this report do not include those collected for drunkenness or disorderly conduct.

While it is known that in many States there was a large number of prosecutions for violations of the liquor laws, from an examination of the reports it appears that there were comparatively few convictions, and of the convictions a comparatively small number in which fines were actually collected. A large proportion of the cases were compromised or the fines remitted on the payment of costs, while in others a jail sentence was imposed and no fine or costs collected. In certain localities in New Jersey and Pennsylvania, and possibly in other States, it appears to have been the practice to institute prosecutions for keeping a "disorderly house" when the disorder consisted entirely of the illegal sale of liquors; but as the court records do not disclose the fact that the illegal sale of liquor was considered in the prosecution, it was impossible to ascertain which of the cases were due to violations of the liquor laws.

Only money actually collected has been reported. If the fine imposed was worked out on the county farm, roads, or other method of convict labor, it has not been considered. It was not practicable to separate the value of such services rendered by those convicted for violations of the liquor laws from the total value placed on all convict labor.

In States where local-option or prohibition laws prevailed the local officials and the special agents of the Department frequently reported that revenue had been collected, but owing to the fact that the amounts were indiscriminately reported as licenses or fines, it was impossible to decide to which class of revenue they should be assigned, and they were tabulated as returned.

In spite of all the difficulties in the way of securing complete returns, it is believed that the actual annual amount of fines collected for viola-

tions of the laws controlling the liquor traffic is but slightly in excess of that shown in this report.

The total annual revenue derived from liquor manufacture and traffic may be recapitulated as follows:

Tax on real and personal property employed in liquor manufacture (estimated).....	\$1,225,805.85
Tax on real and personal property employed in liquor traffic (estimated).....	10,075,120.00
Ad valorem tax in Kentucky and Missouri.....	32,115.70
United States internal-revenue tax.....	114,450,861.77
License fees or special taxes, States.....	10,399,015.60
License fees or special taxes, counties.....	5,011,225.06
License fees or special taxes, municipalities.....	34,155,299.25
Fines, States.....	91,299.56
Fines, counties.....	378,557.75
Fines, municipalities.....	553,916.01
Fines, sales of confiscated liquors, etc., United States (estimated)...	123,844.96
Customs duties on imported liquors.....	6,736,063.00
Total.....	183,213,124.51

After what has been said about the methods of collecting license fees or special taxes and fines, and the difficulties of ascertaining the amounts of such collections, it need hardly be said that to ascertain the cost of collecting such revenues was simply impossible. The officials making the collections were generally paid salaries covering all the duties of their positions, of which the collections formed a small and variable part. In the collection of fines, to cite an example, the cost was inseparably bound up with other court costs, including the salaries of a number of officials. For these reasons it will be seen that it is not possible to give even an estimate of the cost.

THE EXPERIENCE AND PRACTICE OF EMPLOYERS RELATIVE TO THE USE OF INTOXICANTS.

In addition to the foregoing strictly statistical results of a study of the liquor problem it was desired to possess some information in regard to the use of intoxicating liquors in its relation to employment, based on the observation and experience of large employers of labor in various industries. It seemed desirable to ascertain from such sources what consideration is given to the drinking habits of the seeker for employment and what means are used in judging the prospective employee generally. To acquire a knowledge of the lines of industry, establishments, and occupations in which those indulging in intoxicating liquors are not employed, and the reasons for such nonemployment, seemed important. The extent of the use of liquors by employees subject to night work, overwork, exposure, irregularity of hours of labor such as to work hardship, the shortening of the hours of labor, etc., was deemed to be a subject on which employers should have experience and opinions of value. The relation between pay days, holi-

days, and Sundays and overindulgence in intoxicants was suggested in the same connection. And, finally, it seemed of interest to ask what means employers would suggest, as in their opinion the best, to lessen the consumption of intoxicating liquors.

The foregoing inquiries and a few others were embodied in a schedule which was sent to a large number of employers of labor in various parts of the country, who were requested to furnish answers to the inquiries. This schedule was sent to 30,414 employers, of whom 12,114 were engaged in agriculture, 6,673 in manufactures, 6,582 in mining and quarrying, 3,040 in trade, and 2,005 in transportation.

The following statement shows by industries the number of establishments sending replies to the inquiries and the number of employees engaged in each industry:

ESTABLISHMENTS REPORTING AND NUMBER OF EMPLOYEES, BY INDUSTRIES.

Items.	Agri- cul- ture.	Manu- factures.	Mining and quarry- ing.	Trade.	Trans- porta- tion.	Total.
Total establishments	823	3,744	1,188	541	729	7,025
Establishments reporting number of em- ployees	783	3,700	1,164	541	713	6,901
Total employees reported	41,355	1,011,661	174,806	59,337	458,764	1,745,923
Establishments not reporting number of employees	40	44	24	.....	16	124

Of the total of 7,025 establishments returning the schedule of inquiries, 6,901 reported as to number of employees. The total employees reported was 1,745,923. The manufacturing industry furnished the greatest number of establishments and employees, 3,700 establishments reporting 1,011,661 employees. In transportation 713 companies reported 458,764 employees. In other industries fewer employees were reported, but the number was sufficient in each case to make the statement fairly representative.

Employers were asked if in employing new men they were accustomed to give consideration to habits as to the use of intoxicating liquors, and, if so, what means were used to ascertain such habits. Out of 6,976 employers answering the inquiry, 1,613 reported that liquor habits were not taken into consideration; 5,363 reported that means were taken to ascertain the facts. The various means employed are shown for each industry in the table following.

MEANS EMPLOYED WHEN HIRING EMPLOYEES TO ASCERTAIN THEIR HABITS AS TO THE USE OF INTOXICATING LIQUORS.

Means employed.	Agri- cul- ture.	Manu- fac- tures.	Min- ing and quar- rying.	Trade.	Trans- porta- tion.	Total.
Personal knowledge	57	121	04	11	22	305
Personal knowledge and reputation	7	7	2		4	20
Personal knowledge and appearance	8	26	16	1	1	52
Personal knowledge and questioning applicant	4	15	3		1	23
Personal knowledge and recommendations	8	32	12	6	19	77
Personal knowledge and recommendations from former employers		1	1	1	6	9
Personal knowledge and inquiry of former employers		3	1		2	6
Personal knowledge and inquiry	29	40	17	3	21	110
Reputation	13	44	17	4	11	89
Reputation and appearance	16	51	16	4	7	94
Reputation and questioning applicant	1	18	1	2	2	24
Reputation and recommendations	1	10	1	1	8	16
Reputation and recommendations from former employers		1			1	2
Reputation and inquiry of former employers		18	1			25
Reputation and inquiry	3	18	1			25
Appearance	88	307	49	22	17	433
Appearance and questioning applicant	18	176	28	11	8	241
Appearance and recommendations	7	80	11	10	20	134
Appearance and recommendations from former employers		8	2	5	9	24
Appearance and inquiry of former employers	1	12	2	2	5	22
Appearance and inquiry	25	220	39	29	47	380
Questioning applicant	45	238	67	21	39	410
Questioning applicant and recommendations	11	116	2	29	32	190
Questioning applicant and recommendations from former employers		7	1	1	9	18
Questioning applicant and inquiry of former employers	2	20	4	6	7	39
Questioning applicant and inquiry	12	142	25	29	33	241
Recommendations	16	137	6	41	55	255
Recommendations from former employers and others		2	1	2	5	10
Recommendations and inquiry of former employers	2	7		5	5	19
Recommendations and inquiry	9	105	6	16	25	161
Recommendations from former employers	10	25	7	17	31	90
Recommendations from former employers and inquiry		9	5	5	16	35
Inquiry of former employers	16	69	18	25	29	157
Inquiry of former employers and others	4	28	1	13	15	61
Inquiry of former employers and bond required					1	1
Inquiry	114	447	105	93	142	901
Bond required					8	8
Offer them liquor and make inquiry	1					1
Means employed not reported	103	391	107	50	42	693
Total	581	2,940	668	471	703	5,363
Do not take liquor habit into consideration	229	783	513	64	24	1,613
Not reported	13	21	7	6	2	49

This table shows that the largest per cent of employers making some investigation in regard to the liquor habits of the men was found in transportation, 703 reporting that some inquiry was made and but 24 that men were employed without regard to such habits. In trade 471 reported that habits were considered and 64 that they were not. In manufactures 2,940 reported some consideration and 783 none.

It was found that in some establishments no one using intoxicating liquors was employed. In other cases the prohibition applied to certain occupations only, and in still other cases to employees only when on duty. The reasons for the prohibition as regards establishments and occupations as stated by the employers reporting on this subject are shown in the statement following.

REASONS FOR REQUIREMENT THAT EMPLOYEES SHALL NOT USE INTOXICATING LIQUORS.

Reasons given.	Agriculture.	Manufactures.	Mining and quarrying.	Trade.	Transportation.	Total.
Because of personal disgust for drinking men.....	3					3
Because of responsibility of position.....	54	322	107	8	64	555
Because of responsibility of position and to make good example for other employees.....	2	12	4	1	1	20
Because of their youth.....		1				1
Because of unreliability of drinking men.....	30	71	7	20	6	134
Because of unreliability of drinking men and their disagreeableness to customers.....		2		2		4
Because of unreliability of drinking men and personal disgust for them.....		1		3		4
So we can control them.....	3	3	5			11
For purposes of economy.....		6				6
For the good of employees.....		2				2
To guard against abuse of animals.....	5					5
To guard against accidents.....	46	316	199	16	100	668
To guard against accidents and abuse of animals.....	6			2		8
To guard against accidents and because of personal disgust for drinking men.....		1				1
To guard against accidents and because of responsibility of position.....	2	27	25	1	10	65
To guard against accidents and because of unreliability of drinking men.....	1	6	2		1	10
To guard against accidents and dishonesty.....		1			1	2
To guard against accidents and for economy.....		5				5
To guard against accidents and to make good example for other employees.....	1	10	6		3	19
To guard against accidents, inefficiency, and poor work.....	5	23	14	1	3	46
To guard against dishonesty.....	10	6	1	5	1	23
To guard against incompetency.....		31		6	3	40
To guard against inefficiency and to make good example for other employees.....	1	4	1			6
To guard against inefficiency and poor work.....	10	21	32	2	2	67
To guard against inefficiency, poor work, and abuse of animals.....	2			1		3
To guard against inefficiency, poor work, and dishonesty.....		2	2	1		5
To guard against irregularity in time.....	1		1			2
To guard against irregularity in time and because of unreliability of drinking men.....	17			1		18
To guard against irregularity in time, inefficiency, and poor work.....	6	1	3			10
To guard against temptation.....		2				2
To make good example for other employees.....	2	22	4			28
To prevent retarding work.....	1	1	1			3
Total.....	208	899	414	70	203	1,794

The two chief single reasons given by employers for the requirement that employees shall not use intoxicating liquors are seen to be "to guard against accidents" and "because of responsibility of position." These two make up more than two-thirds of the number reporting, and, in combination with others, comprehend a great many of the remaining cases. The statement, "because of responsibility of position," is somewhat general in character. It was principally applied to engineers, overseers, foremen, and watchmen. For this reason it is probable that the statement more in detail would divide itself into several heads, viz: To guard against accident, fire, or theft; to secure honesty and reliability, and to make a good example for other employees.

The facts with regard to establishments prohibiting the use of intoxicating liquors by employees either on or off duty are shown in the statement following.

ESTABLISHMENTS FORBIDDING USE OF INTOXICATING LIQUORS BY EMPLOYEES.

	Agriculture.	Manufactures.	Mining and quarrying.	Trade.	Transportation.	Total.
Establishments requiring that no employees shall use intoxicating liquors when on duty.....	42	492	140	14	167	855
Establishments requiring that no employees shall use intoxicating liquors either on or off duty.....	153	218	43	79	203	696
Establishments requiring that employees in certain occupations shall not use intoxicating liquors when on duty.....	64	364	159	40	65	692
Establishments requiring that employees in certain occupations shall not use intoxicating liquors either on or off duty.....	151	663	290	45	135	1,284
Total establishments making some requirement that employees, or employees in certain occupations, shall not use intoxicating liquors.....	410	1,737	632	178	570	3,527
Establishments making no requirement that employees shall not use intoxicating liquors.....	353	1,907	526	341	138	3,265
Establishments not reporting whether any requirement is made that employees shall not use intoxicating liquors.....	60	100	30	22	21	233

This table brings out the fact that more than one-half of the establishments reporting require in certain occupations and under certain circumstances that employees shall not use intoxicating liquors. The whole number making some such requirement was 3,527, while the number of establishments making no requirement was 3,265.

The principal occupations reported as those in which employees are required not to use intoxicating liquors while on duty are—

In agriculture: Foremen, managers, engineers, firemen, cotton ginnermen, stockmen, sugarhouse employees, clerks, machine hands, cotton planters, and teamsters.

In manufactures: Engineers, firemen, watchmen, foremen, managers, clerks, sawyers, filers, teamsters, machine hands, and packers.

In mining and quarrying: Foremen, engineers, firemen, weighmen, watchmen, machinists, clerks, electricians, handlers of explosives, drivers, and teamsters.

In trade: Engineers, firemen, watchmen, clerks, salesmen, elevator men, janitors, teamsters, and porters.

In transportation: Trainmen, motormen, conductors, telegraph operators, agents, foremen, electricians, switchmen, and pilots.

The principal occupations reported as those in which employees are required not to use intoxicating liquors either on or off duty are—

In agriculture: Foremen, managers, engineers, firemen, cotton ginnermen, sugarhouse employees, clerks, machine hands, and teamsters.

In manufactures: Engineers, firemen, watchmen, foremen, clerks, mechanics, sawyers, filers, salesmen, and machine hands.

In mining and quarrying: Foremen, engineers, firemen, weighmen, watchmen, machinists, clerks, electricians, handlers of explosives, drivers, and teamsters.

In trade: Foremen, clerks, watchmen, and salesmen.

In transportation: Trainmen, motormen, conductors, telegraph operators, agents, foremen, electricians, and switchmen.

Establishments having employees subject to night work were asked to state whether such employees were more addicted to the use of intoxicating liquors than others. In all, 1,659 establishments reported having employees subject to night work and 5,337 reported no employees subject to night work. The result in detail follows.

USE OF INTOXICATING LIQUORS BY EMPLOYEES SUBJECT TO NIGHT WORK.

	Agriculture.	Manufactures.	Mining and quarrying.	Trade.	Transportation.	Total.
Establishments having employees subject to night work:						
Reporting such employees more addicted to use of intoxicating liquors than others	23	90	14	3	11	141
Reporting such employees not more addicted to use of intoxicating liquors than others	94	680	197	56	433	1,460
Not reporting as to use of intoxicating liquors by such employees	10	24	2	2	20	58
Total	127	794	213	61	464	1,659
Establishments having no employees subject to night work	688	2,942	906	479	262	5,337
Establishments not reporting whether employees are subject to night work	8	8	9	1	3	29

It does not appear from the foregoing table that employees subject to night work are to any considerable degree addicted to the use of intoxicating liquors beyond other employees. It is seen that but 141 establishments out of 1,659 having employees subject to night work reported that such employees were more addicted to the habit than others, while 1,460 reported that there was no difference.

The leading occupations of employees reported subject to night work, who are also more addicted to the use of intoxicating liquors than other employees, are—

In agriculture: Stockmen, tobacco curers, cotton ginners, engineers, firemen, laborers, dairy hands, sugar-plantation men, and watchmen.

In manufactures: Compositors, pressmen, engineers, firemen, sawmill employees, furnace and rolling mill employees, stevedores, tailors, and kilnmen.

In mining and quarrying: Miners, quarrymen, engineers, firemen, laborers, teamsters, and smelters.

In trade: Coal heavers, drivers, and telegraph operators.

In transportation: Trainmen, switchmen, motormen, conductors, drivers, sailors, and stevedores.

The facts for establishments having employees subject to overwork are shown, as reported, in the following statement:

USE OF INTOXICATING LIQUORS BY EMPLOYEES SUBJECT TO OVERWORK.

	Agriculture.	Manufactures.	Mining and quarrying.	Trade.	Transportation.	Total.
Establishments having employees subject to overwork:						
Reporting such employees more addicted to use of intoxicating liquors than others	16	51	14	7	11	99
Reporting such employees not more addicted to use of intoxicating liquors than others	53	200	52	32	99	436
Not reporting as to use of intoxicating liquors by such employees	8	8	3	.....	4	23
Total	77	259	69	39	114	556
Establishments having no employees subject to overwork	720	3,454	1,103	490	612	6,379
Establishments not reporting whether employees are subject to overwork	26	81	16	12	3	88

This statement shows that of 558 establishments having employees subject to overwork 99 reported that such employees were more addicted to the use of intoxicating liquors than others, 436 that such employees were not more addicted than others, while 23 failed to answer this inquiry.

The leading occupations of employees reported subject to overwork, who are also more addicted to the use of intoxicating liquors than other employees, are—

In agriculture: Stockmen, sheep shearers, cotton ginner, firemen, laborers, harvest hands, and tobacco curers.

In manufactures: Teamsters, loggers, puddlers, molders, engineers, machinists, carpenters, and blacksmiths.

In mining and quarrying: Miners, quarrymen, teamsters, and laborers.

In trade: Bookkeepers, clerks, drivers, and coal shovelers.

In transportation: Trainmen, sectionmen, flagmen, switchmen, drivers, sailors, and stevedores.

The drinking habits of employees subject to exposure to severe weather are shown in the following statement:

USE OF INTOXICATING LIQUORS BY EMPLOYEES SUBJECT TO EXPOSURE TO SEVERE WEATHER.

	Agri- cul- ture.	Manu- fac- tures.	Min- ing and quar- rying.	Trade.	Trans- porta- tion.	Total.
Establishments having employees subject to exposure to severe weather:						
Reporting such employees more addicted to use of intoxicating liquors than others.....	65	151	54	43	68	381
Reporting such employees not more addicted to use of intoxicating liquors than others.....	191	540	373	100	415	1,619
Not reporting as to use of intoxicating liquors by such employees.....	10	18	21	6	23	81
Total	272	709	448	149	503	2,081
Establishments having no employees subject to exposure to severe weather.....	532	3,006	732	388	222	4,880
Establishments not reporting whether employees are subject to exposure to severe weather.....	19	29	8	4	4	64

Out of 2,081 establishments having employees subject to exposure to severe weather, 381 reported that such employees were more addicted to the use of intoxicating liquors than others, 1,619 that such employees were not more addicted than others, and 81 failed to make report in regard to their experience on this point.

The leading occupations of employees reported subject to exposure to severe weather, who are also more addicted to the use of intoxicating liquors than other employees, are—

In agriculture: Field hands, teamsters, and stockmen.

In manufactures: Teamsters, loggers, clay diggers, coal handlers, iron handlers, lumber handlers, and yardmen.

In mining and quarrying: Quarrymen, teamsters, coal handlers, coke handlers, and laborers.

In trade: Drivers, collectors, porters, and laborers.

In transportation: Trainmen, sectionmen, bridgemen, motormen, conductors, drivers, sailors, and stevedores.

The use of intoxicating liquors by employees employed irregularly, by seasons, by day and night alternately, or in any other irregular way, is brought out in the following statement:

USE OF INTOXICATING LIQUORS BY EMPLOYEES EMPLOYED IRREGULARLY.

	Agri- cul- ture.	Manu- fac- tures.	Min- ing and quar- rying.	Trade.	Trans- porta- tion.	Total.
Establishments having employees employed irregularly (by seasons, by day and night alternately, or in any other irregular way):						
Reporting such employees more addicted to use of intoxicating liquors than others	108	170	68	14	35	391
Reporting such employees not more addicted to use of intoxicating liquors than others	178	539	240	33	224	1,214
Not reporting as to use of intoxicating liquors by such employees	55	179	53	4	22	313
Total	341	894	361	51	271	1,918
Establishments having no employees employed irregularly	438	2,764	790	478	449	4,919
Establishments not reporting whether employees are employed irregularly	44	86	37	12	9	188

Employees subject to irregularity of work were reported more addicted to the use of intoxicating liquors than others in 391 establishments out of a total of 1,918 establishments reporting. In 1,214 establishments no difference has been noted, and 313 establishments failed to answer the inquiry covering this point.

The principal occupations of employees reported as employed irregularly—that is, by seasons, by day and night alternately, or in any other irregular way—who were found to be more addicted to the use of intoxicating liquors than other employees, are—

In agriculture: Harvest hands, stockmen, cotton pickers, field hands, ditchers, fruit pickers, sheep shearers, and vegetable packers.

In manufactures: Lumbermen, furnace and rolling mill employees, compositors, stevedores, lime burners, and painters.

In mining and quarrying: Miners, quarrymen, stonecutters, laborers, and teamsters.

In trade: Laborers, porters, stevedores, and lumber handlers.

In transportation: Trainmen, sectionmen, and laborers.

The use of intoxicating liquors immediately after pay day, as compared with other times, may be seen from the following statement:

USE OF INTOXICATING LIQUORS BY EMPLOYEES IMMEDIATELY AFTER PAY DAY.

	Agri- cul- ture.	Manu- fac- tures.	Min- ing and quar- rying.	Trade.	Trans- porta- tion.	Total.
Establishments reporting employees more addicted to use of intoxicating liquors immediately after pay day than at other times	432	2,243	924	87	211	3,897
Establishments reporting employees not more addicted to use of intoxicating liquors immediately after pay day than at other times	283	1,397	208	406	472	2,766
Establishments not reporting whether employees are more addicted to use of intoxicating liquors immediately after pay day than at other times	108	104	56	48	46	362

Of the total establishments 3,897 stated that their employees were more addicted to the use of intoxicating liquors immediately after pay day than at other times, 2,766 stated that they found no increased indulgence at such times, and 362 failed to answer the inquiry relating to this matter. In the mining and quarrying industry indulgence after pay days is strikingly noticeable. In 924 establishments increased use is reported against 208 reporting no increase.

In connection with the other inquiries an effort was made to ascertain how many establishments had been troubled with intoxication on the part of their employees, and what, if any, means had been tried to lessen it. In all, 3,299 establishments either had not been so troubled or failed to make any reply to the inquiry, while 3,726 establishments reported that they had been so troubled. Of this latter number all but 105 reported as to the means tried to lessen the amount of intoxication. A great number of methods seem to have been under trial, but those that have had a number of trials sufficient to demonstrate their value are comparatively few. The following table shows the number of establishments in which each means had been tried and the number in which found effective:

ESTABLISHMENTS REPORTING TROUBLE FROM INTOXICATION AMONG EMPLOYEES AND MEANS TRIED TO LESSEN IT.

Means tried.	Establishments reporting means.			Total.
	Effective.	Not effective.	Not reporting results.	
Discharge	112	4	1,446	1,562
Change of pay day from Saturday	92	17	115	224
Change of pay day from Saturday and discharge	73	6	132	211
Moral suasion	11	8	164	183
Moral suasion and discharge	9		131	140
Warning and discharge	12	2	80	94
Change of pay day from Saturday and moral suasion	21	2	83	106
Suspension and discharge	5	1	48	54
Less frequent payment of wages	37	4	12	53
Change of pay day to Saturday	33	2	12	47
Warning	4		40	44
Suspension	8	1	23	32
Moral suasion and example	1	1	29	31
Allowing no liquor on premises or drinking on duty	2	1	25	28
Holding back wages	11	2	15	28
Opposing locating saloons near premises, lessening number, or closing them	1	1	25	27
All (200) other means tried	179	71	557	807
Total	611	123	2,887	3,621

This statement can hardly be considered satisfactory from a statistical point of view, since, out of 3,621 establishments reporting the means tried for lessening intoxication among employees, 2,887 failed to report whether effective or not. This leaves but 734 establishments reporting both the means tried and the results, 611 reporting that the means were found effective, and 123 that they were not effective.

The chief means tried appears to be discharge; reports being received from 1,562 establishments, only 116, however, reporting as to effectiveness, 112 stating that it was effective against 4 not. Change of pay

day from Saturday appears as the next leading means tried, 224 establishments reporting having tried it, 92 that it was effective, and 17 not effective.

These two means may be considered the chief ones, as they lead not only singly but also reappear as important in combination with other means. The second means—change of pay day from Saturday—should be considered in connection with one other reported not so frequently—change of pay day to Saturday. This latter means must be considered, according to the results shown in the table, quite as successful as the former, being effective in 33 cases and not effective in 2. It may be said, however, that the apparent contradiction does not in any respect lessen the value of the table. It rather calls attention to the way in which the facts for the table were obtained and what they mean. The statement in any instance that an establishment had changed its pay day from Saturday to some other day and had found as a result a lessening of intoxication among the employees is merely a statement of conditions in that particular establishment and of the results of a change, according to the judgment of the proprietor or manager making the report. It is entirely possible that Saturday might be the best pay day in one establishment, but in another not, or that the mere change of pay day might have effect. And of course judgment might err, though the chances for that are equally good in both cases. It appears, then, as has been seen in a former table, that in a great majority of establishments employees are more addicted to the use of liquors immediately after pay day than at other times, but that experience differs as to whether Saturday is the best pay day or not. In connection with the change of pay day to Saturday attention should be called to the fact that in some cases the statement was made that the change to Saturday was made in order to allow drinking employees to recover during Sunday from the effects of pay-day indulgence.

The table quite clearly indicates the judgment of employers as to the success or failure of the other means tried. All the chief means are specified in detail, the various miscellaneous ones, 200 in all, being grouped.

Special mention should be made of one of the reports received, by reason of an interesting supplementary statement appended to it. It is that of a firm doing an extensive coal-handling business in two large western cities. The firm has 240 employees, pays by check on Tuesdays, and makes the statement following, covering a period of two months, in regard to the cashing of pay-checks by employees.

PER CENT OF EMPLOYEES CASHING PAY-CHECKS AT GROCERIES, SALOONS, SAVINGS BANKS, ETC., BY NATIONALITIES.

CHICAGO.

Nationalities.	Per cent cashing pay-checks at—			Total.
	Groceries, etc.	Saloons.	Savings banks.	
Hungarians and Poles	23	77	.....	100
Germans	30	70	.....	100
English and Americans	30	61	9	100
Swedes and Norwegians	91	9	.....	100
Scotch and Irish	26	74	.....	100
Total	34	64	2	100

MILWAUKEE.

Hungarians and Poles .....	.....	100	.....	100
Germans	36	64	.....	100
English and Americans	65	35	.....	100
Scotch and Irish	65	35	.....	100
Total	43	57	.....	100

Of the employees represented in this table, 3 per cent of the Germans, 47 per cent of the English and Americans, and 20 per cent of the Scotch and Irish are superintendents, clerks, etc. The balance are all laborers engaged in handling coal.

The concluding inquiry of the schedule was in some respects kindred to the foregoing. Its form is as follows: "What means, in your view, better than now employed, can be taken by employers, communities, organizations, municipalities, or States to lessen the consumption of intoxicating liquor among the people?" As would naturally be supposed, the replies received were in great variety. As will be observed from a comparison with the table showing means tried to lessen intoxication, the answers here probably represent to some extent opinions formed from the personal trials of the means there specified.

The following table presents, in detail, the answers to the preceding inquiry according to the industries followed by the establishments reporting:

ESTABLISHMENTS SUGGESTING MEANS TO LESSEN THE CONSUMPTION OF INTOXICATING LIQUORS AMONG THE PEOPLE.

Means suggested.	Establishments suggesting means.					
	Agriculture.	Manufactures.	Mining and quarrying.	Trade.	Transportation.	Total.
Prohibition	207	481	295	49	71	1,103
Do not employ drinking men	64	407	106	49	143	769
High license	41	269	69	30	26	445
Education	9	102	27	19	23	180
Abolish saloons	28	99	21	2	9	159
Education, moral and religious	13	81	13	18	11	126
Improve social conditions	18	53	33	4	17	125
Government control	33	60	15	9	3	120
Enforce existing laws	16	72	21	4	1	114
Limit number of saloons	1	75	4		5	85
Remove all restrictions	17	28	16	10	4	75
Encourage use of light wines and beer	11	41	3	13	4	72
High license, and do not employ drinking men	8	28	7	10	10	63
Local option	14	31	12	5	1	63
High revenue tax	12	25	13	2	5	57
Prohibit treating	3	28	14	6	5	56
Example of employers	2	27	11	3	11	54
Close saloons Sundays and early week days	5	38	6	2	2	53
Make drunkenness a punishable misdemeanor	5	27	12	8	1	53
All (177) other means suggested	146	578	188	97	123	1,132
Total	653	2,550	886	340	485	4,914

The means suggested represent in each case individual opinion, and must be given weight accordingly. For example, the proprietors or managers of 1,103 establishments suggested prohibition as, in their opinion, the means best suited to lessening the consumption of intoxicating liquors; 769 considered that the refusal to employ drinking men would accomplish most; 445 thought high license the best method; 180 would suggest education; and so on through the list, 1,132 suggesting a great variety—177 in number—of miscellaneous means. It should be said that these suggestions are in reply to schedules sent without preference to all parts of the country. The table includes all the replies received.

The replies received from liquor dealers in answer to the inquiries will have a peculiar interest. Schedules were filled by 32 liquor dealers, representing an aggregate of 525 employees. Twenty-seven of these report that when employing new men they take into consideration the question of whether or not the applicant is addicted to the use of intoxicating liquors, although quite a number take care to specify that it is not the use but the abuse of liquor that is objected to. Twenty-eight of the 32 report that they are not troubled with intoxication among employees, and have had, therefore, no occasion to try remedies. Three, while not reporting that they are troubled, give as their remedy for intoxication, "discharge," while one reports his remedy to be "example and influence."

But by far the most interesting feature of these schedules is to be found in their answers to the inquiry. "What means, in your view, better than now employed, can be taken by employers, communities, organizations, municipalities, or States to lessen the consumption of intoxicating liquor among the people?" Of course, in the nature of the case, where any mention is made of prohibition, it is to say "Repeal prohibitory laws," "Prohibition of no avail," or "It only increases the desire for liquor," etc. Also, in regard to taxation (with one exception), lower license and more liberal excise laws are favored. Better education and severe punishment of drunkenness are also frequent suggestions.

Some of the replies to this inquiry are, however, worth giving in full:

"From about thirty years' observation I am convinced that the bad habit of 'treating' is the cause of more drunkenness than any other one thing."

"Prohibition increases the desire for whisky, wine, and beer. The abolition of the 'treating' habit of our people would decrease consumption, increase sobriety, and solve the liquor problem."

"We believe that the brewers' methods to establish as many saloons as possible by favoring low license, etc., and the 'treating' habit are the two worst enemies of moderation and true temperance."

"The arrest and fining or imprisonment of *the offender*—if intoxicated. The repeal of 'prohibitory laws.' They never have nor can 'prohibit.' *Education*, which is the precursor of refinement. The offender's punishment should be on an increasing scale for continued offenses. It is *he* only who offends, and *he* should be dealt with—not the dealer, but the offender. In other words, offenders should be dealt with for this offense as with others, with increasing punishment for each offense."

"By having only pure liquors sold. The National or State governments should have liquors examined, and those not up to standard destroyed, as in the case of meat, milk, etc. The National Government should forbid the manufacture of continuous distillation (or quick-aging goods, as they are sometimes called.) They are ruinous to health. It should also set a period after which no spirituous liquors could be sold less than five years old."

"Use, free and open, of wine, beer, and spirits, whence moderation and absence of abuse, which alone is injurious."

BROTHERHOOD RELIEF AND INSURANCE OF RAILWAY EMPLOYEES.

BY EMORY R. JOHNSON, PH. D.

The railway employees in the United States number more than 800,000. Not less than one-twentieth of the entire population of our country is supported by the wages and salaries paid by the railway companies. The standards of living which prevail with such a large class of the social body, the ideals which they cherish concerning their intellectual and material needs, and the organizations and institutions which they are building up to assist in realizing those ideals are matters of much moment to society. Not only the students of the labor problem and the sociologists, but every person who is interested in the progress of the industrial classes to a position of greater economic stability, will perforce give attention to the efforts which the railway employees in the United States are putting forth for their own and their families' betterment.

The intellectual and industrial status of the railway employees is of much social consequence, not only because of their large numbers, but also, and quite as much, because of the intimate relation which the services they perform bear to the convenience and safety of the public. Every person uses the railroads directly or indirectly, and is necessarily affected by the character of the service performed by the employees. Whatever makes railway employees a more efficient class of workmen and inspires them with a greater pride in their work, and whatever enables them to provide more surely for the material well-being of themselves and those dependent upon them, is of general public benefit. The railway employees in the United States are striving, by means of their associations and brotherhoods and by means of the relief and insurance departments connected with those organizations, to improve themselves as men and as laborers, and their endeavors have met with a large measure of success. The associations of railway employees rank among the most successful labor organizations, and the influence which they have exerted upon their members has made our railway staff better men and more capable public servants.

Most of the associations of railway employees maintain organizations to provide their members with relief and insurance, and the plans which these beneficial institutions have adopted for the accomplishment of their purposes constitute an interesting and instructive study in insurance. An investigation of what the organizations have accomplished should have value for the student of insurance and be of assistance to those who may be desirous of establishing other relief and insurance organizations.

The Bulletin of the Department of Labor for January, 1897, published an account of the departments which six of the large railway corporations in the United States have established in connection with their service to enable their employees to secure life insurance and relief in case of accident or sickness. These railway relief departments were established by the corporations and are largely controlled by them. In order to complete the study of the agencies for the relief and insurance of railway employees, it remains to consider the beneficial organizations which the employees have established and developed in large part without the cooperation or approval of their employers.

CLASSIFICATION OF RELIEF AND INSURANCE ORGANIZATIONS.

The railway employee has the choice of several organizations from which relief and insurance may be secured. There are, first of all, the well-known stock companies which issue life and accident insurance policies. Many railway corporations urge their employees to carry policies in such companies, and in some cases the railway corporations collect the premiums on these policies by deducting the payments from the wages of the employees and paying the amounts thus collected to the insurance companies. One company, the Ann Arbor Railroad, requires all employees in the train service to carry such policies "in a regular specified insurance company." The Cincinnati, New Orleans and Texas Pacific Railway has gone further in this matter than any other corporation. For some years past it has encouraged various accident and life insurance companies to do business on its roads, assisted them in securing as many policies as possible, and collected the premiums without charge. But on July 12, 1897, a further step was taken when the receiver of the road announced that he had arranged with the Railway Officials and Employees' Accident Association of Indianapolis to "issue policies of insurance upon the conductors, engineers, firemen, brakemen, bridge carpenters, signalmen, yardmen, and foremen in his employ at the regular rates," and that the railway company would, until further notice, provide 45 per cent of the premiums named in the policies. It is not made compulsory upon the employees to insure; but if they choose to insure they are required to pay only 55 per cent of regular premiums. The occupations in the railroad service are classified and the premiums vary with the degree of hazardousness of each class of labor.

Another general class of relief and insurance organizations comprises the two kinds of railway employees' associations that the railway companies organize and largely manage. In each of these two kinds of associations the membership is limited to the employees of one company or system, and is sometimes voluntary and in some instances compulsory. One of the two types of association includes the organizations for the maintenance of "hospital funds." Numerous companies, particularly the transcontinental or Pacific lines, require their employees

to pay 25 or 50 cents a month toward defraying the expenses of maintaining hospitals, the payments being deducted from the monthly wages. The employees of these companies are entitled to free medical treatment at home or in the companies' hospitals. In some instances the company also pays a small death allowance to cover the burial expenses of a deceased employee. The Northern Pacific Beneficial Association is a good example of this type of organization.

Another association of a type very similar to the one just mentioned is represented by the relief organization connected with the Lehigh Valley Railroad. The expenses of managing this association are borne by the company, and the "contributions" to the funds from which benefits are paid are made half by the company and half by the employees who choose to join. The contribution which the employee may make to the fund upon any one assessment is "the amount of one day's wages or less, but in no case is the amount subscribed to the fund to exceed \$3." Representatives of the contributing employees share with the company in the management of the fund. Participation in the fund is voluntary; those who contribute have a claim for relief in case of an injury received while in discharge of duty. The relief amounts to "three-fourths as much per day as that contributed by him to the fund for every working day during his total disability to work, but not longer than for the period of nine months." If death results from such an injury, a moderate sum is paid to a designated beneficiary. This death benefit comprises an immediate payment of \$50 and a monthly payment for two years of "an allowance for every working day at a daily rate of three-fourths the amount of" the deceased employee's contribution. It has not been found necessary to compel the employees to contribute to the fund. After several years of successful management there were, in July, 1897, 6,199 employees contributing to the fund.

The other kind of relief association belonging to this second class—those organized by the railroad companies—is the railway relief department. As noted above, there have been six such departments or associations organized, and their membership includes about 125,000 men. In three of the departments membership is voluntary and in three compulsory.^(a) Sick, accident, and death benefits are paid by all departments, and one pays pensions to superannuated employees. The expense of maintaining the department is borne mainly by the members, but the railway corporations with which the departments are connected bear from one-sixth to one-fifth of the financial burdens. These relief departments were described in detail in the author's report, published in the Bulletin of the Department of Labor, January, 1897. ^(b)

^a Section 10 of the mediation and arbitration act, approved June 1, 1898, makes it illegal for railway companies to compel employees to join a relief department.

^b Consult also a more lengthy account of them in the author's paper on Railway Departments for the Relief and Insurance of Employees, *Annals of the American*

The third general class of the relief organizations in which the railroad employee may participate includes the associations, orders, and brotherhoods organized and managed entirely by the employees. This general class also comprises two kinds of organizations, one whose membership is confined to the employees of a single railroad system, and another kind whose membership is composed of employees performing one branch of railway labor, as locomotive engineers or conductors, but is not restricted to the labor staff of one railway system. In this last category belong the national and international orders and brotherhoods of railway employees. The relief and insurance features of these organizations constitute the main subject of this article.

The employees' associations whose membership is confined to the staff of a single system of railroads are usually supported entirely by their members, although the companies composing the system frequently contribute something. A large number of associations of this kind exist in the United States. In Massachusetts as many as six associations of railroad employees and three composed of street railway men are reported by the State commissioner of insurance. A short account of the organization and activities of one typical association of this class is given in a subsequent section of this article.

The brotherhoods and orders of the national or international type are the most influential of all organizations of railway employees. Before entering upon a discussion of the kind and measure of relief and insurance which railway employees secure through membership in these bodies, it will be well to give a brief account of the development and present standing of these brotherhoods and orders, and to outline concisely the general plan of organization which they have worked out. The "beneficiary departments" and "insurance associations" discussed in this report form a part of that general plan of organization.

ESTABLISHMENT AND GROWTH OF THE BROTHERHOODS.

The national and international brotherhoods whose membership is composed respectively of men in special branches of the service are: The Grand International Brotherhood of Locomotive Engineers, the Order of Railway Conductors of America, the Brotherhood of Loco-

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The Metropolitan Street Railway Association of Brooklyn is an organization very similar to the six railway relief departments. It has been in operation since January, 1897. Membership in it is compulsory for all employees of the Metropolitan Street Railway. Sick and accident benefits and a moderate death allowance are secured by the members. Assessments of 50 cents a month are taken from the employees' pay rolls. The company makes no contributions to the funds and keeps the management of the association well within its control. The association is mentioned in this connection because it adds another organization to the list of relief departments, and indicates that the relief department is a growing institution.

motive Firemen, the Brotherhood of Railroad Trainmen, the Brotherhood of Railway Trackmen, the Switchmen's Union of North America, the Brotherhood of Railway Carmen, and the Order of Railroad Telegraphers. A Railway Yard Masters' Association formerly existed, but was disbanded at its annual meeting held in Chicago in June, 1896. The recently disbanded American Railway Union, which was for a time the largest and in some respects the most successful of all associations of railway employees, was an organization of a different type from those just enumerated and does not properly belong in the list. There is also another class of national associations of railway employees that does not come within the purview of this discussion. This class includes such organizations as the National Association of Railway Agents, the Road Masters' Association of America, the American Society of Railroad Superintendents, and others of a like character which meet annually for the discussion of technical questions.

The oldest and largest of the brotherhoods above named is the International Brotherhood of Locomotive Engineers. The grand division was founded at Detroit, Mich., August 17, 1863, under the name of the "Brotherhood of the Foot-board." The society was reorganized and given its present title at Indianapolis, Ind., August 17, 1864. The brotherhood had a prosperous growth from the beginning. The ability and conservatism of its managers and the brotherhood's large membership have given the organization great influence. At the close of 1896 the number of divisions was 535; the present membership is about 32,000. An insurance association was organized by the brotherhood December 3, 1867, membership in which was voluntary until 1894. The insurance association was incorporated, in accordance with the laws of the State of Ohio, March 3, 1894. The first grand engineer of the brotherhood says: "The incorporation was a necessity, as we were enjoined from doing any insurance business in the State of New York until incorporated, and we found that the ruling would hold in every State in the Union except three, so we made a virtue of the necessity." Previous to the incorporation the insurance association had been managed by the officers of the brotherhood, but in order to become incorporated it was necessary that the association should be conducted entirely by its own officers and not as an adjunct of the brotherhood.

The other large brotherhoods do not technically conduct an insurance business, although their members secure insurance by participation in the "benefit" or "beneficiary" departments that the brotherhoods have established. Likewise the railway relief departments that the railroad corporations have established do not carry on an insurance business, although they pay "death benefits." The difference is formal rather than essential.

The second national association of railway employees organized was the Conductors' Brotherhood, instituted at Mendota, Ill., July 6, 1868, by the conductors from various railroads in the United States. The

brotherhood was reorganized and a general governing board, the grand division, was established December 15 following. Ten years later, at the eleventh annual session of the grand division, the name of the organization was changed from the Conductors' Brotherhood to the Order of Railway Conductors of America.

At one time a serious split in the ranks of the Order of Railway Conductors was threatened as the result of the position taken on the question of strikes. For thirteen years, 1877-1890, the order prohibited its members from participating in a strike. Many members opposed this policy, and in 1888 the Brotherhood of Railway Conductors was started at Los Angeles, Cal., by those who believed in a "protective policy." In 1890 the order abandoned its "nonprotective policy," and a year later the Brotherhood of Railway Conductors was disbanded by the admission of its members into the order.

The Order of Railway Conductors is a vigorous, conservative, and well-managed organization, with nearly 400 local divisions and about 22,000 members. Its membership fell off only slightly with the contraction of the labor staff of the railways which took place during the financial depression that began in 1893, and the labor troubles of 1894 affected the order much less than they did most of the other brotherhoods. The enrollment of members in its benefit department has shown steady gains during the past five years. Up to July 1, 1891, participation in the mutual benefit department was voluntary, but since that date every new member having the requisite qualifications as regards age and physical condition is obliged to join that department. From what follows in this and succeeding sections it will appear that the Order of Railway Conductors has exercised a strong influence over some of the other brotherhoods.

The Brotherhood of Locomotive Firemen was organized at Port Jervis, N. Y., December 1, 1873. The association grew but slowly during the first ten years of its existence. Previous to the establishment of the Brotherhood of Locomotive Firemen there had been organized the International Firemen's Union, an association without a relief or insurance feature, that had been instituted for strictly "protective" purposes; that is, to protect the rights of its members against the encroachments of their employers. For five years the brotherhood and the union were rivals. During this same period also the great strike of 1877 occurred, and threw many firemen out of employment and increased the vigorous opposition of the railroad companies to the brotherhood. In 1878 the International Firemen's Union was absorbed by the brotherhood. Two years later Eugene V. Debs, at that time a vigorous opponent of strikes and an advocate of arbitration, became the managing spirit of the brotherhood, and his organizing ability helped to inaugurate prosperous times for the association. The organization of the Knights of Labor in 1885 and the Chicago, Burlington and Quincy strike of 1888 affected the brotherhood somewhat, but

the check was only temporary. At the close of the fiscal year ending July 31, 1893, the membership was 28,681 and the number of lodges 506. The organization of the American Railway Union by Mr. Debs in 1893 gave the Firemen's Brotherhood a severe setback. The membership fell to 21,408 and the lodges to 484 in 1895. Since then, however, the growth has been so rapid that all the defunct lodges have been reestablished. On July 1, 1897, the membership numbered 24,251. An insurance association was established by the brotherhood at its first convention in 1874. During the first four years participation in the insurance association was voluntary; since then, however, it has been obligatory upon all eligible members.

The establishment of the organization now known as the Brotherhood of Railroad Trainmen took place at Oneonta, N. Y., September 23, 1883. It was called the Brotherhood of Railroad Brakemen until January 1, 1890, "when, because many of its members had been promoted to the position of conductor and many had accepted various other positions in the train service, the more fitting name of Brotherhood of Railroad Trainmen was adopted. Its membership is made up principally of conductors, brakemen, train baggage men, train flagmen, yard masters, yard foremen, and switchmen."^a The growth of the brotherhood was rapid until 1893, when the membership fell from 28,540 to 22,359 during a year. The membership July 1, 1898, was 28,850, and the number of its lodges was 556, a greater number than at any previous time. The brotherhood maintains a beneficiary fund and requires all eligible members to insure.

The Brotherhood of Railway Trackmen is one of the younger and smaller organizations. The first effort to found the brotherhood was made in the spring of 1887, but the organization then instituted did not succeed. A year later the brotherhood was reestablished; this time to survive, but to grow slowly because of the apathy of the trackmen. The grand chief of the brotherhood gives the following facts concerning the organization:

The Brotherhood of Railway Trackmen is composed of the members of two trackmen's associations. The Order of Railway Trackmen, with headquarters at Birmingham, Ala., was an association of trackmen composed of official trackmen only, such as road masters, bridge, and section foremen. In 1891 the membership was about 600. The organization known as the Brotherhood of Railway Section Foremen had been organized at Council Bluffs, Iowa. Its membership was about 400. In October, 1891, a committee composed of 12 members, 6 from each organization, met in the city of St. Louis, Mo., authorized to consolidate the two orders and to elect officers to manage the affairs of the amalgamated order. Arrangements were made for the two orders to become one January 1, 1892. Insurance certificates for \$1,000 were issued to all members.

The Brotherhood of Railway Trackmen has but recently recovered from the check it received when the American Railway Union was

^a*Sixth Annual Report of the Interstate Commerce Commission*, p. 329.

formed. The membership at the close of 1897 was between 1,300 and 1,400, and it is increasing. Until January 1, 1897, each member was required to carry an insurance certificate of \$1,000. Since that date insurance has been voluntary, and two certificates—one for \$500 and one for \$1,000—are issued. This change makes it easier for the trackmen whose wages are small to join the brotherhood, and will make it easier for the organization to increase its membership. The trackmen are a body of men whom it is difficult to organize even under favorable conditions, and the promoters of the trackmen's brotherhood have had unusual difficulties to contend with during the last five years. The brotherhood ought to develop into one of the largest. The trackmen constitute a large body of laborers, and one whose education and material well-being can be greatly promoted by a comprehensive and well-managed organization.

The Brotherhood of Railway Carmen of America was founded September 9, 1890, by the consolidation of the four following organizations: The Carmen's Mutual Aid Association, instituted at Minneapolis, Minn., November 23, 1888; the Brotherhood of Railway Car Repairers, instituted at Cedar Rapids, Iowa, October 27, 1888; the Car Inspectors, Repairers, and Oilers' Protective Association, instituted at Indianapolis, Ind., 1890, and the Brotherhood of Railway Carmen of Canada, instituted at Toronto, Canada, January, 1890.^(a) During the first three years of its existence the organization flourished. The membership was 4,200 in 1893, but the American Railway Union and the Chicago strike instituted by that association "almost disrupted the brotherhood." The membership June 30, 1897, was about 1,300, and it is now increasing. At the time of its establishment the brotherhood organized a mutual aid association, membership in which was made voluntary. The present membership of the aid association is very small. On June 30, 1897, there were but 90 members.

The Switchmen's Union of North America is the outgrowth of the now defunct Switchmen's Mutual Aid Association, the reorganization having taken place during the year 1897. At one time the Mutual Aid Association was a large and influential organization. In 1892 it reported that there were 153 subordinate lodges of the organization in 35 States and Territories, and 2 in Canada. The membership was said to be about 10,000. The lodges paid benefits to members in case of accident, and the association, in accordance with a regulation adopted in March, 1886, paid a death and total disability benefit of \$900. The task of organizing the switchmen was a difficult one, and the leaders seem to have been lacking in conservatism and honor. The Mutual Aid Association was "dissolved through disintegration and a defalcation on the part of their secretary and treasurer." The disintegration was doubtless mainly due to the formation of the American Railway

^a Constitution of the Brotherhood of Railway Carmen.

Union. However, those most interested in the successful organization of the switchmen did not give up because of the disruption of the association. The Switchmen's Union was established, and its secretary reported in September, 1897, that the new organization then had 19 lodges and 500 members. Thus far the union has made no provision for the payment of life or disability insurance, but the local lodges pay weekly benefits varying from \$3 to \$7.

The Order of Railroad Telegraphers was founded in June, 1886, at Cedar Rapids, Iowa. The order is composed of men closely allied to the railway service, many telegraphers combining the work of operator with that of assistant station agent. Thus some telegraphers are railway employees and some are not. During its first five years the order was a fraternal organization, devoted mainly to the social and educational interests of its members, but in 1891 the "protective feature" was added. The isolation of the individual telegraphers has made their organization a difficult matter, but has not prevented success. There are at present about 120 divisions. The grand secretary is unable to give the membership. He estimates it to be "not over 20,000." It is probably somewhat less. At the last biennial convention, held May 17-26, 1897, the subject of insurance was discussed at length, and it was decided to submit a proposition to establish an insurance department to the lodges for approval or disapproval. The plan of insurance was prepared and published in the November, 1897, issue of the Railroad Telegrapher. The lodges voted on the proposition during November and December, the result of the vote being in favor of the proposition. The mutual benefit department went into operation January 1, 1898.

The now defunct American Railway Union has been referred to several times. It was instituted through the efforts of Mr. Eugene V. Debs, June 20, 1893. The union did not organize a benefit department, although one of its six declared purposes was "to have a life (insurance) as well as a disability department, both to be optional with the membership."^a The American Railway Union was an organization of a type very different from the brotherhoods. It attempted to unite all classes of railroad employees for the purpose of asserting and maintaining the rights of labor by more radical and aggressive measures than those which the brotherhoods had adopted. The leader of the union has become a socialist and has changed the organization into the Social Democracy of America. This substitution was made at Chicago in June, 1897. According to its national secretary, the Social Democracy is "an organization whose ultimate purposes are the inauguration of a cooperative commonwealth; but as a means of immediate relief some political demands are included in the declaration of principles. It is proposed to secure land in some Western State and establish cooperative colonies, where we expect to equip at least a few of the multiplied

^a Constitution of the American Railway Union.

thousands who are now without any visible means of support, and place them in a position where they can support and maintain themselves."

Each of the existing brotherhoods includes in its scheme of organization a benefit department under that name or some other. All of these brotherhoods having benefit departments have a more or less systematic plan for affording accident and sick relief, and each of them, excepting the Switchmen's Union, enables its members to secure life and disability insurance. We shall be able to appreciate these insurance and relief departments better if we pause to consider in outline the general plan of brotherhood organization within which the benefit department is included.

GENERAL PLAN OF ORGANIZATION OF THE BROTHERHOODS.

Like the other laboring men's associations of the better class, the objects of the brotherhoods of railway employees are partly social and educational, but the main purposes which they seek to accomplish are the betterment of the industrial status of their members and the promotion of their economic interests as employees. The Brotherhood of Locomotive Engineers declares that "its purpose shall be to more effectually combine the interests of locomotive engineers, to elevate their standing as such, and their character as men." The organization which the brotherhoods have instituted to enable them to accomplish these aims consists of local subordinate lodges or divisions and a central governing body of officers called the grand lodge or grand division. Conventions, now biennial, but formerly annual, composed of delegates from all the divisions, choose the grand officers, frame the constitutions, statutes, and by-laws, and determine all matters of general policy.

The brotherhoods concern themselves with wage schedules, hours of labor, gradations and promotions, stipulations of the contracts which employees are required to sign, and the other similar questions with which labor organizations deal. In 1896 the Brotherhood of Locomotive Engineers had contracts with 107 railroad companies, including nearly all the great trunk lines. "These contracts embody rates of pay and rules and regulations governing overtime, treatment of the employees, and for the prevention of unjust discharge or suspension."

Each brotherhood has "committees of adjustment" or "grievance committees," whose function it is to assist in the adjustment of differences arising between the members and their employers. Each subordinate division or lodge has such a committee, and for each line or system of railroad along which a brotherhood has several lodges or divisions, there is usually a general grievance committee composed of the chairmen of the local committees.^(a) Any member may bring

^a The constitutional provisions of the brotherhoods of Railway Carmen and Railway Trackmen concerning grievance committees differ somewhat from the provisions

before his division or lodge any grievance which he may have as an employee, and the same will be considered by that body. If the grievance is considered to be of sufficient importance to be taken up, the standing committee on adjustment of grievances is instructed to try to adjust the matter with the proper representative of the employer. If the local committee is not successful, the question is referred to the general committee. From this committee the case may be taken to the grand chief officer. As a last resort a strike may be ordered.

Some brotherhoods are more radical than others, but as a whole the brotherhoods are more conservative regarding strikes than most other labor organizations have been. During the early history of the brotherhoods the sentiment against strikes was general and strong, and strikes were rigidly prohibited; but as the labor problem grew more complicated in this country the brotherhoods changed their policy regarding strikes. The brotherhoods of conductors, firemen, and trainmen each maintain a special "protective fund" of \$100,000, from which fund, augmented by special temporary assessments, the members who may be ordered to strike receive stipulated monthly payments that begin with the third week of the strike.

The constitution of each of the larger railway employees' organizations provides for the appointment of a legislative board for each State and Territory "to take charge of all matters coming before the legislature wherein the interests" of the brotherhoods are involved. The constitution of the brotherhoods of trainmen and firemen make it the duty of their legislative boards "to use their influence by cooperating with the representatives of other labor or industrial organizations, or otherwise, to secure the enactment of such laws and the repeal or modification of such others as in their judgment will best promote the interests of their constituents."

Such, in general, are the purposes of the brotherhoods, and such is the organization by which the brotherhoods seek to conserve and promote the interests of their members as employees. The other prominent feature of their scheme of organization is the benefit department or insurance association maintained and carried on by the brotherhoods in more or less close coordination with the management of the organization as a whole. The salient features of these departments require a description that is sufficient to insure an accurate presentation of the plan of relief and insurance now in force with the brotherhoods.

of the other brotherhoods. The carmen have two grievance committees; one is the local committee connected with the lodge; the other, "the general grievance committee," is composed of the executive board of the grand lodge and the grand chief and the grand secretary. The constitution of the trackmen makes no provision for the appointment of a standing grievance committee by each subordinate division; there is a grievance committee for each system of railroad and a "supreme grievance committee," consisting of the salaried officers of the grand division.

PLAN OF ORGANIZATION OF THE BENEFIT DEPARTMENTS CONNECTED WITH THE BROTHERHOODS.

The relief and insurance organizations that the brotherhoods and orders have developed are similar in their more important features. A description of the benefit department of one large and representative brotherhood, such as the Order of Railway Conductors, will present an outline of the departments connected with all the other brotherhoods. After giving this description, attention will be called to the main points in which the departments connected with the other bodies differ from that of the Order of Railway Conductors. For the purpose of convenient comparison, a table containing the chief points in the organization of each of the departments is given at the close of this section.

The Mutual Benefit Department of the Order of Railway Conductors is "under the control and government of the grand division of the order," and is managed by an insurance committee of three persons and by two officers, a president and a secretary. The committee is elected by the grand division of the order; the president and secretary are, respectively, the grand chief conductor and the grand secretary of the order. Membership in the department was voluntary on the part of members of the order previous to July 1, 1891, but since then every person joining the order has been obliged to enter the benefit department if his physical condition was satisfactory.

The department issues certificates in five series known as series A, B, C, D, and E, respectively for \$1,000, \$2,000, \$3,000, \$4,000, and \$5,000. Those not over 30 years of age when joining are eligible to any series; those over 30 and not over 38 are eligible to series A, B, C, and D; those over 38 and not over 45 are eligible to series A, B, and C; those over 45 and not over 50 are eligible to series A and B; those over 50 and not over 60 are eligible to series A. Members over 60 years of age are not admitted to the benefit department. The fees for joining are \$1 for each \$1,000 of insurance taken. All fees received by the department are placed to the credit of the expense account. The constitution provides that an assessment of \$1 per \$1,000 of insurance shall be levied on each member on the first day of each of the following eight months: January, February, April, May, July, August, October, and November. An assessment of \$2 per \$1,000 is levied on the first days of the other four months if the current losses require the collection of that amount from the members. "Should the amount thus provided prove insufficient to pay the approved claims against the department, the secretary shall, by and with the advice and consent of the insurance committee, levy extra or special assessments in such sums as are directed." The assessments actually levied on each \$1,000 have usually amounted to \$14 a year.

The funds collected for the mutual benefit department are kept dis-

tinct from the general funds of the order. The same person, however, is treasurer of both the grand division of the order and the benefit department; and the insurance committee, which is the executive head of the department, is subject to the higher authority of the grand division. The insurance organization is a "department" of the order and not an association with a separate management.

The members of the department secure both life and disability insurance. The nature and amount of both kinds of insurance is fully discussed in subsequent sections of this report. The constitution of the department provides, in regard to disability insurance, that "if any member becomes disabled by the loss of a hand or foot, or by the total loss of the eyesight, or the total loss of the sense of hearing," he shall receive the full amount of his insurance and be relieved from future assessments. It is also provided that when any member of the benefit department becomes "totally and permanently disabled from performing any labor" from causes other than the above "the insurance committee may order his assessments in the benefit department paid from the expense fund of the department, charging the same against such member's certificate, and deducting all such sums from his benefit when finally paid."

The Brotherhood of Locomotive Engineers, unlike the conductor's order and the other brotherhoods, has separated its insurance department from the rest of its organization and placed it under a distinct management. The Locomotive Engineers' Mutual Life and Accident Insurance Association was incorporated under the laws of the State of Ohio in 1894. The officers of the association are a president, a vice-president, and a secretary, and nine trustees who are chosen by the association, not by the brotherhood. "No grand officer of the Brotherhood of Locomotive Engineers is eligible to the office of trustee of this association." The five highest grand officers of the brotherhood are ineligible to office in the insurance association, not only because the constitution of the brotherhood requires them to give all their time to that organization, but also because the charter of the association would not permit the same men to be officers of both organizations.

Membership in the insurance department is made compulsory by the four large brotherhoods that have such departments. The trackmen and carmen make participation in the insurance organization of their brotherhoods voluntary. In the case of the Switchmen's Union the life-insurance feature is wanting, and the only relief is that provided by the local lodges.

The amounts for which members of the various brotherhoods may insure differ largely with the several organizations. In general, larger policies are issued by those brotherhoods whose members receive higher wages. As noted above, members of the Order of Railway Conductors insure for \$1,000 and for multiples of that sum up to a maximum of 5,000. The Engineers' Insurance Association insures for "stipen-

lated amounts from \$750 to \$4,500 by the issue of policies of \$750 and \$1,500 each." The beneficiary certificates issued by the firemen are of three amounts—\$500, \$1,000, and \$1,500. The trainmen's brotherhood issues certificates for \$400, \$800, and \$1,200, and any member may "carry either or all three classes." The trackmen, up to January 1, 1897, provided only \$1,000 certificates, but now they also issue one for \$500. The Carmen's Mutual Aid Association provides for paying the beneficiary of the insured the amount of one full assessment of \$1 upon each member, the total amount paid not to exceed \$1,000.

The assessments levied by the brotherhoods are determined by various criteria. The Order of Railway Conductors assesses all of its insured members a fixed sum per \$1,000 of insurance carried, the rate of the assessment being the same on small policies as on large ones. The amount of the insurance which a member may carry is determined by the age at which he joins the order. Thus the members whose insurance involves the greater risk are allowed to take out only relatively small policies. The assessments levied by the Locomotive Engineers' Mutual Life and Accident Insurance Association are based pro rata on all policies, and, like the benefit departments of all the other brotherhoods with the exception of the Order of Railway Conductors, it does not make the amount of the policy issued depend on the age of the member joining, but no one more than 50 years of age may join the Engineers' Insurance Association.

In the Brotherhood of Locomotive Firemen and the Brotherhood of Railroad Trainmen only those members who join when not over 45 years of age are permitted to participate in the benefit department. Those members who are eligible to the benefit department are permitted to choose, without any limitation as regards age, which of the three policies they will carry. The assessments, determined solely by the amount of the insurance certificates, are levied on the first of the month as often as may be required to meet outstanding claims, and not on fixed dates, as is the case with the assessments of the benefit department of the Order of Railway Conductors. The Brotherhood of Railway Trackmen permits each member to choose which, if either, of the two policies offered he will take, viz, one for \$500 or one for \$1,000. It requires the holders of these policies to pay monthly assessments of 50 cents and \$1 respectively, and "such additional assessments as may be necessary." No person is eligible to membership in the benefit department of the trackmen who is over 55 years of age. The Carmen's Mutual Aid Association requires all members to pay quarterly dues of 15 cents, "to be applied to defray the expenses of the association," and levies an assessment of \$1 per member upon notice of the death or total disability of a member. The age limitation placed upon securing membership in the association is 60 years.

The relation which the funds collected by the brotherhoods for the maintenance of their benefit departments bear to the general treasury

and the general funds of the brotherhoods is a subject of much importance. In this particular three arrangements exist. The Locomotive Engineers' Mutual Life and Accident Insurance Association is a chartered organization distinct from the brotherhood. The treasuries of the two organizations have no connection whatever. On the other hand, "the beneficiary funds" of the Brotherhood of Locomotive Firemen and the receipts from the dues paid by the members to the grand lodge are combined in one common fund. Section 42 of the constitution stipulates that "the grand lodge shall establish and maintain a fund for the payment of all debts, to be known as the general fund. Into this fund all assessments made to pay beneficiary certificates shall be paid." On at least two occasions money taken from the general fund has been placed to the credit of the beneficiary fund. In 1885 \$10,000 and in 1887 \$14,457 were so transferred. The "beneficiary funds" of the Brotherhood of Railroad Trainmen are kept separate from the general funds of the brotherhood, "and the assessments received in the beneficiary department are used for no other payment of claims. All expenses (of managing the beneficiary department) are paid from the general fund." The Conductors' Mutual Benefit Department keeps its funds distinct from those of the order, and bears the expenses of carrying on its work. With the exception of the Engineers' Insurance Association, however, the benefit departments are managed by the same officers as the brotherhoods are. In such a plan of organization there are administrative advantages, but there are also possible financial dangers involved that might be avoided by fully separating the administration of the benefit departments from the general management of the remainder of the brotherhoods' activities. The conductors, trainmen, carmen, and trackmen have a financial plan that stands midway between the plans that have been adopted by the engineers and firemen.

Of these three methods of financing the first and third are preferable to the second. The best interests of the insurance and relief organizations demand a financial policy that will permit no confusion to arise as to the amount of receipts necessary to be collected or regarding the source from which the funds obtained are drawn. The compulsory participation in the insurance department on the part of all eligible members does not render this separate financing any less important. Both officers and members of the benefit department should always know how much it costs to maintain the department, and the managers should carefully adjust receipts and expenditures. The Engineers' Insurance Association, with an organization chartered under the laws of Ohio and distinct from the brotherhood, is best situated for the maintenance of sound and conservative financing.

The table following shows the leading features of the benefit departments. The Switchmen's Union is omitted because its relief work is confined to the benefits paid by its subordinate divisions.

COST OF MEMBERSHIP AND INSURANCE IN THE BENEFIT DEPARTMENTS.

Organization.	Amounts for which certificates are issued.	Amount of insurance available to a member determined by—	Fees for insuring.	When assessments are levied.
Locomotive Engineers' Mutual Life and Accident Insurance Association.	Policies of \$750 and \$1,500 are issued. A member may carry policies amounting to \$4,500.	Choice of member; maximum, \$4,500.	Fifty cents for each policy issued.	An assessment for each death or disability. Assessments are levied monthly.
Order of Railway Conductors' Mutual Benefit Department.	Policies of \$1,000, \$2,000, \$3,000, \$4,000, and \$5,000.	Age of member on joining; maximum, \$5,000.	One dollar per \$1,000 of insurance.	Monthly.
Brotherhood of Locomotive Firemen: Beneficiary department.	Policies of \$500, \$1,000, and \$1,500.	Choice of member; maximum, \$1,500.	None distinct from those required to join the brotherhood.	Levied by grand lodge "as often as may be required." Members pay amounts assessed to their subordinate lodge in quarterly dues.
Brotherhood of Railroad Trainmen: Beneficiary department.	Policies of \$400, \$800, and \$1,200.	Choice of member. The member may "carry either of three classes."	None distinct from those required to join the brotherhood.	The first day of each month, if the beneficiary fund requires it.
Brotherhood of Railway Trackmen: Beneficiary department.	Policies of \$500 and \$1,000.	Choice of member; maximum, \$1,000.	The first month's assessment of \$1 or \$0.50 is payable in advance. No membership fee.	Monthly.
Brotherhood of Railway Carmen's Mutual Aid Association.	Amount of one full assessment, but not to exceed \$1,000.	Only one certificate issued.	Membership fee of \$0.50 and an "assessment of \$1 paid upon making application."	Upon the death or total disability of a member.
Organization.	Amount of each assessment.	Manner of collecting assessments.	General remarks, initiation fees, etc.	
Locomotive Engineers' Mutual Life and Accident Insurance Association.	For each death or disability: 25 cents for each \$750 policy, and 50 cents for each \$1,500 policy.	The division secretaries collect the assessments and forward the receipts to the general secretary and treasurer.	No assessments are made when funds on hand are sufficient to pay the claims. The initiation fee for joining the brotherhood is \$10.	
Order of Railway Conductors' Mutual Benefit Department.	A dollar per month per \$1,000 of insurance for 8 months; \$2 a month for the other months if required.	By grand secretary and treasurer direct from members.	A minimum fee of \$5 is exacted of every person upon joining the order.	
Brotherhood of Locomotive Firemen: Beneficiary department.	Assessments of grand lodge are \$0.75, \$1.50, and \$2, respectively, on the three grades of certificates.	Grand lodge levies on subordinate lodges. Subordinate lodges levy quarterly insurance dues of not less than \$4, \$3, and \$1.50, respectively, on holders of the three grades of certificates.	On joining, the member is required to prepay first year's grand dues of \$2 to the grand lodge and an initiation fee of \$3 to the subordinate lodge.	
Brotherhood of Railroad Trainmen: Beneficiary department.	Seventy-five cents, \$1.50, and \$2, according to the amount of certificate held.	Grand secretary and treasurer levies on the "financiers" of subordinate lodges. Members make the payments as monthly dues to the subordinate lodges.	The fees for joining the brotherhood consist of a "proposition fee" of \$1 and an initiation fee of not less than \$1.	
Brotherhood of Railway Trackmen: Beneficiary department.	One dollar for \$1,000 and \$0.50 for \$500, and "such additional assessments as may be necessary."	Monthly assessments are collected and forwarded by the division secretaries.	The fees for initiation into the brotherhood are \$2 for laborers and \$3 for foremen. One dollar of each fee goes to local division.	
Brotherhood of Railway Carmen's Mutual Aid Association.	One dollar. Dues of 15 cents per quarter are also collected to defray the expenses of the association.	By the secretary direct from members.	For joining the brotherhood "the initiation fee shall not be less than \$1."	

LADIES' AUXILIARIES: PLAN OF RELIEF WORK AND INSURANCE ORGANIZATION.

The ladies' auxiliaries to the brotherhoods are organizations which extend and supplement the relief and insurance work of the brotherhoods. The auxiliaries, modeled on the general plan of organization that the brotherhoods have, are the associations which the wives and sisters of the railway employees have instituted and built up to enable them to work for the betterment of their own intellectual and material condition and to assist the brotherhoods in their work of providing their members and their families with relief and insurance.

The objects which the Ladies' Auxiliary to the Order of Railway Conductors was established to accomplish are declared in the constitution to be:

First. To unite the interests of the wives of the members of the Order of Railway Conductors for moral and social improvement.

-- Second. To secure to its members support and assistance in time of sickness or distress.

Third. To provide for organizing subordinate divisions, and for the government, control, or dissolution of the same, all as may be provided in the laws and rules which may be adopted from time to time.

Fourth. To cooperate with the Order of Railway Conductors in further extending their interests and membership.

Fifth. Also to cheerfully sustain the cause of temperance, both in the grand division and subordinate divisions.

Like the brotherhoods, the auxiliaries have a plan of local relief work and an insurance organization managed by the central governing authority of the auxiliaries. This report would be incomplete if it did not include an account of the auxiliaries, and give the plan and results of their local relief work and their insurance feature.

There are five auxiliaries. The Grand International Auxiliary to the Brotherhood of Locomotive Engineers is the largest, and was organized at Chicago October 21, 1887. It had a membership in 1897 of nearly 6,000, and included 233 subdivisions "located at all important railroad centers in every State in the Union." There are also several in Canada. An insurance organization, called the Voluntary Relief Association, was added to the auxiliary March 5, 1890. The Ladies' Auxiliary to the Order of Railway Conductors dates from February, 1888. It had 105 divisions in June, 1897, and about 2,500 members. It has a voluntary benevolent insurance association that has been in operation since the beginning of 1896. The Auxiliary to the Brotherhood of Railroad Trainmen was organized at Fort Gratiot, Mich., January 23, 1889. In July, 1897, it had a membership of about 2,200 and comprised 122 divisions. It organized an insurance department in 1892. The Ladies' Society, Brotherhood of Locomotive Firemen, was instituted at Tucson, Ariz., April, 1887, although it was not until September, 1890, that it was formally recognized as an auxiliary by the Brotherhood of Locomotive Firemen. The society has a benevolent insurance association,

in which membership is voluntary. The last auxiliary to be established is the one connected with the Order of Railroad Telegraphers, it having been recognized by the order in 1897. The auxiliary has no insurance organization as yet, and for that reason is not further considered in this report.

The ladies eligible to membership in the Auxiliary to the Order of Railway Conductors are the wives of members of the order and the widows whose husbands died members of the order in good standing. The Auxiliary to the Engineers' Brotherhood has a similar regulation. The Auxiliary to the Brotherhood of Railroad Trainmen, however, does not restrict membership so closely. It admits "the mother, wife, or widow, sister, married or unmarried, or daughter of one of the members of the Brotherhood of Railroad Trainmen in good standing prior to the time of her application." The Ladies' Society to the Brotherhood of Locomotive Firemen has the same membership qualifications as the Trainmen's Auxiliary has.

The relief work of the auxiliaries is carried on mainly by the divisions or lodges. Each local organization has its committee or board of relief that takes direct charge of this work. Some of the divisions pay weekly sick benefits and some provide sick members with nurses. The grand president of the Ladies' Auxiliary to the Order of Railway Conductors says, in regard to the scope of the relief work of the divisions: "We visit the sick, care for those who are in need, and whenever there is a call for assistance in the family of a conductor we do all we can for them. Our particular work is in the families of our members, but we work for the families of order men (in times of need) whose wives do not belong to our order. We aim to do our work so no mention is made of what we do." The grand secretary of the Auxiliary to the Brotherhood of Locomotive Engineers reports that the subdivisions aid the needy families of deceased engineers, and says: "When engineers are out of employment we do not see them want." The auxiliaries have done much to organize and stimulate the charitable work of the women whose husbands and relatives are in the railway service.

Some relief work is done by the central organizations of each of the auxiliaries. A fund is set aside in the grand division of the Auxiliary to the Engineers' Brotherhood for the relief of worthy sisters who are in want, and the grand division has donated several hundred dollars in the past two years.

The auxiliaries have taken their general plan of insurance from the brotherhoods, and have made such changes as were necessary in order to adapt it to their membership. The auxiliaries to the Brotherhood of Locomotive Engineers, the Order of Railway Conductors, and the Ladies' Society, Brotherhood of Locomotive Firemen, make insurance voluntary; but the Auxiliary to the Brotherhood of Railroad Trainmen requires all members to insure. Assessments are levied monthly by

the conductors' auxiliary, and, at the death of a member, by the Relief Association of the Auxiliary to the Brotherhood of Locomotive Engineers, each member being required to pay 25 cents on each policy held. The constitution of the Auxiliary to the Brotherhood of Railroad Trainmen requires the levy of "an assessment on each member not exceeding 50 cents per death or disability." The Benevolent Insurance Association of the Ladies' Society, Brotherhood of Locomotive Firemen, collects 25 cents from each member when a death occurs.

The benefit paid by the auxiliary of the engineers to members holding one policy is equal to the net receipts from one assessment of 25 cents on each policy, provided that sum does not exceed \$500. The sum paid at the present time is a little over \$300. During the years 1893 and 1894 the Auxiliary to the Brotherhood of Railroad Trainmen paid insurance benefits of \$200, but since that time the benefits have been \$350. The Auxiliary to the Order of Railway Conductors makes an insurance payment of \$200. The Ladies' Society, Brotherhood of Locomotive Firemen, pays the beneficiary the receipts of an assessment of 25 cents per member of the Benevolent Insurance Association.

The statistics of the insurance departments of the ladies' auxiliaries are given in a subsequent section devoted to the presentation of statistical data concerning the insurance organizations of the brotherhoods and auxiliaries.

AGED AND DISABLED RAILROAD EMPLOYEES' HOME.

In one case the relief afforded those who have been railway employees takes the form of a charity participated in jointly by the brotherhoods, the auxiliaries, and interested individuals. The Aged and Disabled Railroad Employees' Home, located at Highland Park, on Lake Michigan, 22 miles north of Chicago, was founded May 28, 1890, to assist sick, disabled, and dependent railroad employees.

The home is not a large institution, and merits attention more because of its ideals and methods than because of the number of persons to whom it renders assistance. During the year 1896, 14 persons were admitted. The number of inmates in July, 1897, was 20. The cash receipts of the home during the year 1896 were \$7,654.97, obtained mainly from the contributions of the divisions of the brotherhoods and auxiliaries. The disbursements were \$7,208.89, including \$1,038 paid upon the debt previously incurred for the purchase of a lot and buildings for the home.

Besides providing the needy with a home and with hospital privileges, the home assists its more capable inmates to acquire a trade that will enable them to support themselves. In his report for the year 1896 the secretary says: "A fireman has learned a trade and is now in business for himself, doing fairly well. * * * One trainman, a bright young fellow, has so mastered the bicycle trade that in a

short time he will be so situated that he can earn enough to pay his own way. * * * Another trainman, a young man who came to us last March (1896) and started in to acquire the dental profession, is making phenomenal progress." This educational feature of the home is highly commendable. The best form of charity is that which makes those whom it assists industrially independent.

In its small way the home is doing very good relief work. The growth of the institution in the future and an extension of its activity in accordance with its present policy and ideals will add a strong feature to the general system of relief which the railway employees are developing as a safeguard against the consequences of misfortune.

It is probable that a home similar to the one near Chicago will be established by the Brotherhood of Locomotive Engineers. In November, 1897, the brotherhood purchased the "Meadow Lawn Farm," a place of 240 acres, near Mattoon, Ill. Action in regard to the establishment of "a home for the aged and needy members of the order" will not be taken by the brotherhood until May, 1900, when its next biennial convention will be held, but as the grand division has purchased the farm for the purpose of founding such a home it is probable that its action will be approved by the convention.

RELIEF AND INSURANCE PROVIDED BY ASSOCIATIONS OF EMPLOYEES OF SINGLE RAILWAY SYSTEMS.

There are so many beneficial associations whose membership is limited in each case to the employees of only one railway system that it will be impossible to include an account of all of them in this report. The beneficial associations of this type, like the benefit departments of the brotherhoods, represent the efforts which the employees, on their own part, are putting forth to secure the advantages of systematic relief and insurance, hence these associations belong, and in a preceding section of this report were placed, in the same category as the beneficial associations of the brotherhoods. The associations of both the types just mentioned are to be contrasted with the six relief departments that are connected with the railway corporations. An exhaustive treatment of the class of beneficial associations discussed in this section would require a report nearly as large as the present one. The purpose of this section is to present an outline of the character of the relief and insurance that railway employees secure through membership in these associations, and this can best be done by giving in some detail the plan of organization and the results accomplished by a typical New England association of 20 years' standing.

From the New England railway employees' associations making reports to the Massachusetts insurance commissioner I have selected the Old Colony Beneficial Association, which was organized in 1878 and incorporated July 24, 1882. It is a representative association, but either the Boston and Maine Railroad Relief Association or the Fitch-

burg Railroad Relief Association might have been selected with equal propriety.^(a) The persons eligible to membership in the Old Colony Beneficial Association are the "employees of the New York, New Haven and Hartford Railroad, the Old Colony Railroad, the Old Colony Steamboat, the Boston Terminal, and the Union Freight Railroad companies who are less than 50 years of age and of good moral character, temperate in habits, and of sound physical health." Members leaving the employment of these corporations may continue their membership in the beneficial association. The association is governed by a board of directors "consisting of not less than 7 nor more than 13 members," the actual number being 7. The directors, the secretary, the treasurer, the three auditors, and the three trustees are elected by the association. The president and vice-president are chosen by the directors from their own number. Ordinary members pay \$3 for admission fees; freight trainmen, \$10. A benefit of \$6 a week is paid to a member "who, in consequence of sickness or accident, becomes incapable of following some remunerative occupation, provided such disability does not proceed from immoral conduct on his part;" it being also "provided, however, that no benefits shall be paid for the first week's disability except in cases of accident, and that not more than 13 weeks' benefit shall be paid during any 52 consecutive weeks." The benefit paid on the death of a member is as many dollars as there are members of the association, "provided such sum shall not exceed \$1,000."

The following tabular statement, taken from the fourteenth annual report of the directors and covering the first 14 years of the association's existence, shows the membership, amount of assessments, the benefits paid on account of death and sickness of members, and the amount it has cost the members to administer the affairs of the association. The showing made by the table is one of which the association may well feel proud.

^a The Boston and Maine Railroad Relief Association was organized in 1882 and had a membership January 1, 1897, of 1,515, a number considerably greater than the membership of the Old Colony Beneficial Association. The Fitchburg Railroad Relief Association, organized December 27, 1887, and the Boston, Revere Beach and Lynn Railroad Relief Association, instituted June 18, 1887, are much smaller organizations, their membership at the close of 1896 being 338 and 152, respectively. These four associations and the Boston and Maine Railroad Car Department, Eastern Division, Mutual Benefit Association, with a membership of 156 at the beginning of 1897, comprise the five relief organizations of steam railway employees in Massachusetts. The employees of three street railway companies have instituted similar organizations.

OPERATIONS OF THE OLD COLONY BENEFICIAL ASSOCIATION, 1883 TO 1896.

Year.	Mem- bers.	Deaths.	Claims for sick- ness.	Amount disbursed for benefits.			Total receipts.	Amount assessed each member, includ- ing dues.	Cost of admin- istration.	
				Death.	Sick.	Total.			Total.	Per mem- ber.
1883.....	264	a 5	33	\$1,340.00	\$615.00	\$1,955.00	\$3,162.00	\$10.40	\$455.30	\$1.72
1884.....	333	2	43	328.00	789.00	1,097.00	3,410.93	8.00	551.00	1.66
1885.....	347	4	79	1,351.00	2,314.00	3,665.00	4,689.64	11.50	454.15	1.31
1886.....	394	3	55	1,113.00	1,422.00	2,535.00	4,126.31	9.30	562.88	1.43
1887.....	435	1	60	826.00	1,428.00	2,254.00	4,627.62	8.20	555.60	1.28
1888.....	497	6	64	2,852.00	1,696.00	4,548.00	6,321.52	12.00	572.84	1.18
1889.....	511	5	64	1,955.00	1,970.50	3,925.50	5,597.59	10.00	503.33	.98
1890.....	564	2	100	1,610.00	2,301.00	3,911.00	5,859.44	9.00	616.94	1.09
1891.....	704	3	76	1,826.00	2,292.00	4,118.00	5,551.86	7.00	452.00	.64
1892.....	934	10	121	7,527.00	3,123.00	10,650.00	11,621.84	12.00	791.81	.85
1893.....	1,028	12	131	12,507.00	3,177.50	15,684.50	16,896.74	16.00	858.00	.83
1894.....	1,051	11	115	9,926.00	3,282.00	13,208.00	15,103.00	14.00	900.44	.86
1895.....	1,154	13	148	14,000.00	4,255.50	18,255.50	17,896.67	15.00	1,015.40	.88
1896.....	1,197	16	151	14,000.00	4,223.00	18,223.00	20,760.92	17.00	1,116.26	.93
Total.....		93		71,161.00	32,868.50	104,029.50	125,635.98		9,406.79	

a Two deaths of previous years paid for in 1883.

ACCIDENT AND SICKNESS RELIEF—RELIEF WORK OF DIVISIONS AND LODGES.

The central organizations of six of the brotherhoods and orders enable their members to secure insurance payable in case of death or total disability. The loss of a hand or foot, or the total loss of sight, usually, but not always, constitutes a total disability. The loss of hearing is included by the Order of Railway Conductors. The definitions which the brotherhoods give to total disability vary considerably in detail. With the Brotherhood of Railway Trackmen the loss of one leg or arm gives the insured member a claim upon one-half the face value of his certificate. The Brotherhood of Locomotive Firemen pays the full amount of the insurance certificate to a member who becomes blind or nearly so, or who loses a hand or foot, and also includes among the totally disabled those members who may become "totally and permanently incapacitated from performing manual labor from consumption, Bright's disease of the kidneys, or total and permanent paralysis." The brotherhoods of the trainmen and carmen have the most comprehensive constitutional provisions of all the brotherhoods in regard to total disability claims. The Carmen's Mutual Aid Association provides that the "total disability of a member shall be the loss of both feet or both arms or both eyes, the loss of one arm or one leg, or such other causes as shall be decided upon by a competent board of physicians to be such as would forever debar him from gaining a living by manual labor." The constitution of the Brotherhood of Railroad Trainmen includes the above accidents in the list of disabilities and further provides that "other claims for total disability shall be referred to the grand master, first vice-grand master, and grand secretary and treasurer, who shall decide as to whether or not the disability is of such a nature as to totally and permanently incapacitate

the claimant from the performance of duty in any department of the train or yard service, and if the claim is approved by them, the claimant shall receive the full amount of the beneficiary certificate held by him."

The constitutions of the four large brotherhoods that had benefit organizations in 1897 provide that the assessment upon any insured member who may become incapacitated for labor because of sickness or other disability may be paid from the funds of the department or of the lodge to which the member belongs. The Engineers' Association will not carry the assessments for a member unless he has been in the association for 5 years, and the sums thus advanced must be paid back by the member as soon as he begins to receive wages of over \$50 a month. The Order of Railway Conductors deducts the money advanced from the benefit when paid to the member. The Brotherhood of Locomotive Firemen and the Brotherhood of Railroad Trainmen make it incumbent upon the lodges to advance the assessments of unfortunate members. The constitution of the Brotherhood of Railroad Trainmen stipulates that "Should a brother in good standing become sick or disabled, his dues and assessments shall be paid by his lodge; in case of total disability * * * his dues and assessments shall be paid until his claim has been allowed or rejected by the grand secretary and treasurer. In all cases of disability and sickness the lodge shall determine how long such dues and assessments shall be paid. The amount of dues paid for the brother may be considered a loan and payment enforced."

The above regulations concerning disability insurance do not provide for the relief of members who are temporarily incapacitated because of sickness or accident. Neither are all forms of permanent disability included in the provisions just cited. The central organizations leave to the divisions or lodges a part of the burdens of caring for the permanently disabled and the entire work of affording temporary accident and sick relief. The brotherhoods permit the local organizations to pay sick and accident benefits if they choose, but usually with the restriction that "under no circumstances shall an allowance be made to a member thus sick or disabled by intemperance or other immoral conduct." Some of the divisions, as noted below, have organized local relief organizations and others have not.

Whether arrangements are made for the payment of weekly sick and accident benefits or not, the local branches all take that care of their sick members which is customary in fraternal organizations. The constitution of each brotherhood makes provision for the appointment by each lodge or division of a "visiting committee" or "board of relief," whose duty it is to see that all needy members are duly assisted. The constitution of the Brotherhood of Locomotive Firemen says: "It shall be the duty of the board of relief to visit sick and distressed members, and report at each regular meeting in writing all applications for relief, with their recommendations concerning the same. Upon the death of

a member they shall be empowered to make all necessary arrangements for the funeral, and render such assistance as may be required. They shall do all in their power to secure employment for worthy members and recommend to the lodge in writing such assistance as may be required to relieve members in distress." Money may be advanced to defray the funeral expenses of a needy member, but if such a member is insured, the sum advanced for the funeral is deducted from the amount of the certificate when that is paid to the beneficiary.

The brotherhoods are careful to protect the families of unfortunate members against suffering. The relief arrangements that the Brotherhood of Locomotive Engineers has established to protect the families of its members from want are typical. The following three sections of Article VIII especially deserve approval, and merit quotation:

SECTION 1. In case of the death of any brother in good standing, it shall be the duty of the chief engineer to appoint a committee whose duty it shall be to inquire as to the pecuniary situation of the family of the deceased brother; and should the committee report that they are in need of assistance, it shall be the duty of every member of the division to see that they are assisted by all honorable and reasonable means; that the children (if there be any) are not allowed to suffer or be neglected, and they shall extend over them their protection and care so long as they may stand in need of it.

SEC. 2. The widow of any deceased brother shall be assisted in every way and manner which may be deemed proper, and it shall be the duty of every individual member of the division to use every effort consistent with the rules of propriety to prevent her from coming to destitution or disgrace; and they shall treat her with respect and consideration so long as she may prove herself worthy.

* * * * *

SEC. 4. It shall be the duty of the chief engineer, first engineer, second engineer, and chaplain to act as a relief committee, whose duties it shall be to visit the sick and provide them with any attention they may be in need of.

Complete statistical information regarding the amount of relief actually given by the divisions and lodges is practically unobtainable. It is optional with the local organizations whether they make provision for the systematic payment of sickness and accident benefits, and no reports are made to the central or grand division by those subordinate divisions that have systematically organized such relief. The only way to secure complete information on this phase of the relief work of the brotherhoods would be to obtain reports from the local divisions by applying directly to each of them; but as their total number reaches into the thousands that plan was not feasible.

In 1892 the first grand engineer of the Brotherhood of Locomotive Engineers reported to the Interstate Commerce Commission (a) that

a In 1892 the secretary of the Interstate Commerce Commission made a report to the Commission on the relations between railway corporations and their employees. This report was the continuation of an investigation made by the Commission in 1889. Consult the annual reports of the Commission for 1889 and 1892.

"a majority of the subdivisions have also a health association which pays \$10 per week to its members who may be sick for one week or more." An historical sketch published by the Brotherhood of Locomotive Engineers in 1896 states that a large number of the divisions have a weekly indemnity insurance, each having their own law, which varies in the amount of dues and indemnity. The weekly indemnity is usually about \$12. In the report to the Commission in 1892 the grand master of the Brotherhood of Railroad Trainmen reported that "most of the subordinate lodges provide for payment of sick benefits in amounts ranging from \$2 to \$8 per week." For the Switchmen's Mutual Aid Association, the predecessor of the existing Switchmen's Union, it was reported by the vice grand master: "There is a local branch of the brotherhood in Chicago which pays out on an average in weekly benefits to individual members for injury over \$1,200 per quarter, and this is the case to a greater or less extent in every city of any considerable size in the United States." These remarks are doubtless loose statements, but they at least show that many of the divisions and lodges maintain organizations for the payment of sick and accident benefits.

In a letter written October 18, 1897, the grand secretary and treasurer of the Brotherhood of Railway Carmen makes the following statements regarding the benefits paid by lodges of that brotherhood: "Each lodge is authorized to provide for its sick benefits, and it is not compulsory. The amounts vary in the different subordinate lodges. The most common amount is \$5 per week. There are very few lodges that have not a sick benefit provided for in their by-laws. The sick benefit fund is contained in the general fund of the lodge, and is provided for by making the monthly lodge dues of members commensurate with the needs for the purpose. The by-laws of any lodge may be amended at any time; and should it be found that the funds in the treasury are too low for the necessary expenses, including sick benefits, they may be raised; and should at any time an unnecessary amount of funds accumulate in the treasury, the dues may be reduced. The usual amount of monthly dues per member where the sick benefit is \$5 per week is 50 cents per month, while 30 cents per month is sufficient to maintain a sick benefit of \$3 per week." The secretary states that he can not give exactly the aggregate sum paid in sick benefits, "for want of information from some of the subordinate lodges, but the total for the last six years will exceed \$15,000." These funds were received from local dues paid monthly to create a benefit fund. It will be remembered in this connection that the membership of the Brotherhood of Railway Carmen is small.

A concise and complete presentation of the facts regarding the relief work of a few representative divisions will indicate clearly the nature and amount of relief work that is carried on by all the local organizations that have made provision for systematic aid. A divi-

sion of the Brotherhood of Locomotive Engineers located in Cedar Rapids, Iowa, a Philadelphia division of the Order of Railway Conductors, a Minneapolis lodge of the Brotherhood of Locomotive Firemen, and a Philadelphia lodge of the Brotherhood of Railroad Trainmen are representative divisions of their respective brotherhoods, and their relief organizations are among the best.

The relief organization connected with the Cedar Rapids Division (No. 159) of the Brotherhood of Locomotive Engineers was instituted May 1, 1887. The officers are a president, a secretary-treasurer, and an executive committee of 5 members. The secretary-treasurer is the only officer paid for services, and his pay consists only of the remission of his assessments. The initiation fee is \$1 and the assessments are, theoretically, 50 cents a month, but in reality they vary with the needs of the treasury. The assessments cease when there are \$200 in the treasury and are resumed when the balance on hand falls to \$100. The membership and the assessments of the organization for the first 10 years—May 1, 1887, to April 30, 1897—were as follows:

MEMBERSHIP AND ASSESSMENTS OF RELIEF ORGANIZATION OF CEDAR RAPIDS DIVISION, NO. 159, BROTHERHOOD OF LOCOMOTIVE ENGINEERS, 1887 TO 1897.

Year.	Members.	Assess- ments per member.	Year.	Members.	Assess- ments per member.
1887 (a)	33	b \$4. 00	1893.....	64	\$7. 50
1888.....	37	. 50	1894.....	64	2. 50
1889.....	39	6. 00	1895.....	59	8. 00
1890.....	47	3. 50	1896.....	61	8. 50
1891.....	53	4. 00	1897 (c).....	63	d 3. 00
1892.....	62	10. 00			

a May 1 to December 31.

b Including \$1 initiation fee. There were six assessments in 1887 of 50 cents each. The receipts in 1887 were sufficient to carry the association through the succeeding year with only one additional assessment.

c January 1 to April 30.

d Three assessments of \$1 each were made in January, February, and March.

During the 10 years ending April 30, 1897, the total receipts of the association were \$3,012.50 and the disbursements were \$2,872.50. Twenty-two persons now on the rolls were charter members, and their total assessments have been \$55.50, which would make their average annual payments \$5.55, less than 50 cents a month. Benefits of \$1.50 per day, including Sundays, are paid to members who are suffering from sickness or accident. The payments commence on the eighth day of the illness and may be continued for a year.

The West Philadelphia Division No. 162, Order of Railway Conductors, is a large organization with over 200 members. It maintains a fund for the payment of sick and death benefits, and requires all members to contribute to the fund. The benefit paid a sick member is \$1 a day, including Sundays, for a year, and 50 cents a day thereafter during the continuance of the illness. A benefit of \$50 is paid upon the death of a member, and \$25 upon the death of a member's w During the first 10 months of 1897, the average number of per

receiving aid each month was 10. The average total relief paid per month by the division during this period was \$213.20. The assessments are levied at the beginning of each month and vary in amount according to the needs of the treasury. They average about \$1 a month for each member.

The following table, covering the calendar years 1895 and 1896 and the first 10 months of 1897, shows the membership, assessments levied, and benefits paid:

STATISTICS OF SICK AND DEATH BENEFIT FUND OF WEST PHILADELPHIA DIVISION NO. 162, ORDER OF RAILWAY CONDUCTORS, 1895 TO 1897.

Year.	Member- ship at close of year.	Asses- sments per mem- ber.	Total re- ceived from assessments.	Total bene- fits paid.
1895.....	182	\$12.00	\$2,161.73	\$2,003.73
1896.....	203	10.75	2,069.50	1,974.50
1897 (a)	210	11.00	2,185.00	2,172.00

a January 1 to November 1.

The Northwestern Lodge No. 82, Brotherhood of Locomotive Firemen, has regulations providing for the payment of weekly benefits to sick and disabled members. The board of relief is empowered to pay any member "the sum of \$6 a week for any sickness or injury causing a total loss of time for any period exceeding 2 weeks." The benefits can not be claimed by a member for more than 26 weeks in one year; but "the board of relief can in cases of continued disability advance benefits from time to time as they deem necessary." The rules also provide that the "lodge may, in addition to the regular payment of \$6 a week, provide a nurse at not to exceed \$2 per day for any member needing the same who may be unable to incur such expense." The assessments levied to defray the expense of making these weekly payments are included in the lodge's quarterly dues. A member of the lodge who is insured for \$1,500 in the beneficiary department of the Brotherhood of Locomotive Firemen pays quarterly dues of \$5.50; thus \$22 a year pays for a life insurance of \$1,500, gives a claim to a benefit of \$6 a week, and defrays the member's share of the general expense of the lodge. Between July 1, 1896, and June 30, 1897, the lodge paid weekly benefits amounting to \$336 with an average membership of 50.

As an example of the local relief of the Brotherhood of Railroad Trainmen, an account of Mantua Lodge No. 160, of Philadelphia, may be given. This lodge pays a weekly benefit of \$5 to sick and disabled members. The assessments are 50 cents per month, but the receipts from these assessments cover both the relief expenses and a large part of the lodge's running expenses. A portion of the running expenses are met by the receipts from two entertainments given each year, from which about \$300 is obtained. The membership, annual benefits, and total relief payments for the five years beginning January 23, and ending November, 1897, are given in the table following.

MEMBERSHIP OF MANTUA (PHILADELPHIA) LODGE NO. 160, BROTHERHOOD OF RAILROAD TRAINMEN, AND BENEFITS PAID, 1893 TO 1897.

Year ending December 31—	Member- ship at close of year.	Total benefits paid.
1893	127	\$752.50
1894	126	910.50
1895	140	647.50
1896	156	440.00
1897 (a)	150	850.00
Total		3,630.50

a Ten months.

STATISTICS OF INSURANCE AFFORDED BY THE BROTHERHOODS AND AUXILIARIES.

Brotherhood insurance covers death and total disability. It has been possible to secure fairly complete statistics of the insurance provided by the benefit department of each brotherhood. The data here given were obtained from the grand secretaries and treasurers, to whom were sent a list of questions and blank tables to be filled in with statistics. The tables included in this section of the report, besides giving the statistics of the insurance feature of each brotherhood, contain certain other instructive facts, to which reference is made in the discussion accompanying the tables.

The mutual benefit department of the Order of Railway Conductors is as fully developed and highly organized as that of any of the brotherhoods. The scope of its insurance work is shown in the following table prepared by the grand secretary and treasurer of the order:

STATISTICS OF THE MUTUAL BENEFIT DEPARTMENT OF THE ORDER OF RAILWAY CONDUCTORS OF AMERICA, 1892 TO 1896.

Year ending Decem- ber 31—	Mem- ber- ship of or- der at close of year.	Divi- sions at close of year.	Mem- ber- ship of mutual benefit depart- ment at close of year.	Assessments levied upon series—					Assess- ments per \$1,000 of in- surance carried.	Number of bene- fits paid in series—					Total bene- fits paid.	Total in- surance outstand- ing.
				A	B	C	D	E		A	B	C	D	E		
1892 ...	20,224	318	9,942	\$14	\$28	\$42	\$56	\$70	\$14	31	8	63	1	a	\$392,870.40	\$22,347,000
1893 ...	20,356	337	12,266	15	30	45	60	75	15	43	14	77	2	2	320,000.00	26,143,000
1894 ...	19,253	363	12,704	16	32	48	64	80	16	56	39	60	4	3	345,000.00	26,027,000
1895 ...	19,737	370	13,582	14	28	42	56	70	14	56	28	65	8	1	344,000.00	27,395,000
1896 ...	19,810	373	14,619	14	28	42	56	70	14	61	31	58	8	2	339,000.00	29,267,000

a Paid 61 old \$2,500 claims.

The table shows how the reduction in the number of railway employees, which was made necessary by the adverse business conditions that prevailed in 1893 and 1894, cut down the total membership of the Order of Railway Conductors. The formation of the American Railway Union probably had but little effect upon the conductors' or The number of the divisions increased during the years 1893 and :

The membership in the mutual benefit department also increased at this time, but at a slower rate than usual. The business revival of 1897 and the consequent increase in the staff of railway employees are being accompanied by an accelerated growth in the membership of all the brotherhoods.

As regards the distribution of the members among the five series of certificates issued, the secretary's reports show that three-fourths of the members are in series A and C, and that most of the other fourth are in series B. From the preceding table it will be observed that the average insurance carried per member was in 1896 about \$2,000. The cost of the insurance has usually been \$14 a year per \$1,000 carried, the exceptional years of 1893 and 1894 showing a cost above the ordinary average. The average amount of insurance carried by the members of the Order of Railroad Conductors is relatively large and the cost is low. The conductor's position is a less dangerous one than many others in the railway service.

The grand secretary of the Brotherhood of Railroad Trainmen prepared the following table, covering the work of the beneficiary department of that brotherhood from its beginning to the end of 1896. It will be instructive to give a complete presentation of the activity of one brotherhood, and the table is printed in full as submitted. There is a special reason why the statistics of the beneficiary department of the Brotherhood of Railroad Trainmen should be fully considered. The work of the trainmen is especially dangerous, and the death rate of the membership of the brotherhood is a high one. From the organization of the department in 1884 to December 31, 1896, 3,461 claims were paid, amounting to \$3,667,904.18. The cost of the insurance is relatively high.

STATISTICS OF THE BENEFICIARY DEPARTMENT OF THE BROTHERHOOD OF RAILROAD TRAINMEN, 1884 TO 1896.

Fiscal year ending August 31—	Member-ship of brotherhood at close of year.	Sub-ordinate lodges at close of year.	Member-ship of beneficiary department at close of year.	Amount assessed each member holding a certificate for—					Assessments per \$1,000 of insurance carried.	Num-ber of claims paid.	Total paid on insurance claims.
				\$400	\$600	\$800	\$1,000	\$1,200			
1884.....	961	37	876								
1885.....	4,766	155	4,703	\$18					\$45.00	27	\$6,596.82
1886.....	7,903	230	7,914		\$18				30.00	83	44,976.63
1887.....	8,622	241	8,476		18				30.00	127	99,100.00
1888.....	11,483	267	11,209			\$18			22.50	165	123,106.25
1889.....	13,562	320	13,322				\$20		20.00	221	253,318.00
1890.....	14,057	369	13,837				24		24.00	271	274,027.25
1891.....	20,409	422	20,198				24		24.00	346	368,637.05
1892.....	24,431	489	24,131					\$23	19.16	391	441,221.00
1893.....	28,540	516	28,219					23	19.16	547	573,263.00
1894.....	22,350	491	22,070					24	20.00	532	590,310.20
1895-96(a)	22,326	499	21,846	9		18			22.50	751	8893,407.98
								24	20.00		

a From August 31, 1895, to December 31, 1896—sixteen months.

b This total is made up of the following items: 12 \$400 certificates, \$4,800; 3 \$800 certificates, \$2,400; 33 \$1,000 certificates, \$33,000; 679 \$1,200 certificates, \$814,800; 1 \$2,000 claim, \$2,000; 11 \$2,400 claims, \$26,400; and 12 miscellaneous certificates (where interest and attorney fees are added by courts), 77.98.

The statistics of the Brotherhood of Railroad Trainmen for the years 1893 to 1895 show that the membership of the organization was seriously affected by the American Railway Union and the business conditions of those years. The membership is at present rapidly increasing. Until August, 1895, only one grade of certificates was issued at any one time to members. At first the amount of each member's insurance was made \$400; but it was later raised, first to \$600, then to \$800, afterwards to \$1,000, and finally, in 1892, to \$1,200. In 1895 the brotherhood began issuing three grades of certificates, their amounts being, respectively, \$400, \$800, and \$1,200. The cost to the members of carrying the insurance has been higher in the Brotherhood of Railroad Trainmen than in the other brotherhoods. The assessments during the second, third, and fourth years were especially large. Those years, however, seem to have been exceptional, for, with the exception of them, the annual assessments have averaged about \$21 per \$1,000 of insurance carried. This relatively large cost of insurance as compared with the assessments of the other brotherhoods is easily explained by comparing the death and disability rate obtaining with the several brotherhoods. During the year 1894, for instance, the claims paid by the Firemen's Beneficiary Department equaled a little less than 11 per 1,000 members; during the same year the Conductors' Mutual Benefit Department paid somewhat over 11 claims for each 1,000 members; whereas the death and disability claims paid by the beneficiary department of the Brotherhood of Railroad Trainmen averaged for the five-year period from 1890 to 1894, inclusive, 18.5 per 1,000 members. During the year 1894 the rate was as high as 24 per 1,000 members.

No record of outstanding certificates was kept previous to 1895. The plan of issuing three grades of certificates had been in operation only a little over a year at the close of the year ending December 31, 1896. At that time the outstanding certificates were as follows: 1,141 class A members, carrying \$400 certificates, \$456,400; 361 class B members, carrying \$800 certificates, \$288,800; 20,152 class C members, carrying \$1,200 certificates, \$24,182,400; 1 member carrying class A and B certificates, \$1,200; 20 members carrying class A and C certificates, \$32,000; 137 members carrying class A, B, and C certificates, \$328,800; 34 members carrying class B and C certificates, \$68,000; making a total of 21,846 members carrying certificates amounting to \$25,357,600.

This classification indicates that there was quite a large demand for the insurance certificates of the lowest class. Possibly better times and more steady employment at higher wages may check the tendency of members to insure for the smaller amounts.

The Locomotive Engineers' Mutual Life and Accident Insurance Association was chartered in 1894. Before that date the association was more closely connected with the general organization of the brotherhood. The statistics covering the history of the three years of the association's work are given in the table following.

STATISTICS OF THE LOCOMOTIVE ENGINEERS' MUTUAL LIFE AND ACCIDENT
INSURANCE ASSOCIATION, 1894 TO 1896.

Year ending Decem- ber 31—	Member- ship of brother- hood March 31.	Divi- sions at close of year.	Member- ship of insurance associa- tion at close of year.	Assessments levied upon hold- ers of certificates of—				Asses- ments per \$1,000 of in- surance carried.	Total claims paid.	Total insur- ance out- standing.
				\$750.	\$1,500.	\$3,000.	\$4,500.			
1894.....	32,023	530	18,009	.....	\$25.00	\$50.00	\$75.00	\$16.67	\$409,500	\$30,900,000
1895.....	31,004	533	16,872	.....	21.75	43.50	65.25	14.50	568,500	31,420,500
1896.....	30,309	535	18,739	\$11.75	23.50	47.00	70.50	15.67	602,250	40,344,750

The membership of the Brotherhood of Locomotive Engineers is larger than that of any other brotherhood. The number insured is considerably less than the total membership of the brotherhood; but as insurance is now compulsory for all who are qualified to join the insurance association, the membership of the latter organization is rapidly gaining on that of the brotherhood. The certificates for \$750 were first issued in July, 1896. The annual assessments levied per \$1,000 of insurance carried average somewhat more than those levied by the mutual benefit department of the Order of Railway Conductors, but much less than the average annual assessments of the beneficiary department of the Brotherhood of Railroad Trainmen. The average amount of insurance per member outstanding at the close of 1896 was \$2,153. This average is larger than that of any other brotherhood.

The following table contains the statistics of the recent growth and present condition of the beneficiary department of the Brotherhood of Locomotive Firemen:

STATISTICS OF THE BENEFICIARY DEPARTMENT OF THE BROTHERHOOD OF
LOCOMOTIVE FIREMEN, 1892 TO 1897.

Fiscal year end- ing July 31—	Member- ship of brother- hood at close of year.	Lodges at close of year.	Member- ship of benefici- ary de- partment at close of year.	Amount assessed each member hold- ing a certificate for—			Number of bene- fits paid for each class.			Total claims paid.	Total in- surance outstand- ing.
				\$500.	\$1,000.	\$1,500.	\$500.	\$1,000.	\$1,500.		
1892.....	26,256	488	25,967	.....	.....	\$10.00	.....	.....	267	\$399,250.00	\$38,950,500
1893.....	28,681	506	28,550	.....	.....	16.00	.....	.....	318	476,750.00	43,825,000
1894.....	20,508	517	26,377	.....	.....	14.00	.....	.....	289	435,467.50	39,563,500
1895 (a) ..	21,408	484	21,282	\$5.25	\$10.50	14.00	12	1	211	333,816.50	32,107,000
1896 (a) ..	22,461	507	22,227	6.00	12.00	16.00	6	9	203	316,084.50	33,102,400
1897 (a) ..	24,251	523	24,118	6.00	12.00	16.00	25	8	202	324,726.00	34,424,500

a Fiscal year ending June 30.

The Brotherhood of Locomotive Firemen is one of the largest of all the brotherhoods, and the table shows that the enrollment is growing so rapidly that the membership will soon be equal to what it was before the formation of the American Railway Union and the occurrence of the recent business depression. The average annual cost of carrying \$1,000 of insurance is very much lower, being less than in the

mutual benefit department of the Order of Railway Conductors. This is probably explained by the fact that the firemen, as a class, are younger men than the conductors. It is, however, surprising that this fact is not offset by the more dangerous character of the fireman's work as compared with the conductor's position. If the firemen are able to maintain their insurance in the future at the low average cost that has obtained during the past 5 years, their showing will be exceptionally favorable.

There are three classes of certificates issued at present. This has been the case only since June 30, 1895. It will be noted that the assessments are somewhat heavier upon the holders of the smaller certificates than upon the holders of the \$1,500 certificates. That the members are mainly in the \$1,500 class is shown by the fact that the average insurance per member is over \$1,400. The total amount paid on life and disability insurance claims by the Brotherhood of Locomotive Firemen during the first 16 years—September 1, 1880, to June 30, 1897—was \$4,161,147.20.

The Brotherhood of Railway Trackmen, as previously stated, is one of the younger and smaller organizations of railway employees. The statistics covering the 5 years of the history of the insurance department of the brotherhood from 1892 to 1896, inclusive, are as follows:

STATISTICS OF THE INSURANCE DEPARTMENT OF THE BROTHERHOOD OF RAILWAY TRACKMEN, 1892 TO 1896.

Year ending December 31—	Member-ship of brotherhood at close of year.	Subordinate divisions at close of year.	Member-ship of insurance department at close of year.	Amount assessed each member on \$1,000 certificate.	Number of claims paid on \$1,000 certificates.	Total claims paid.	Total insurance outstanding.
1892.....	970	68	970	\$12.00	13	\$13,000	\$970,000
1893.....	1,150	86	1,150	12.00	17	17,000	1,150,000
1894.....	850	62	850	12.00	12	12,000	850,000
1895.....	1,080	78	1,080	12.00	14	14,000	1,080,000
1896.....	1,250	90	1,250	12.00	16	16,000	1,250,000

During the period covered by the foregoing table, membership in the insurance department was compulsory upon all members of the brotherhood. During this time, also, there was but one class of certificate issued, that for \$1,000; but on January 1, 1897, the insurance was made voluntary, and a second grade of certificate, one for \$500, was added. The table shows that the assessments were uniformly \$12 a year per \$1,000 of insurance; that is, \$1 a month per member. This is also a low showing as regards assessments. However, the permanent members paid only \$63,600 in assessments during the 5 years, although insurance claims amounting to \$72,000 were paid within the same period. Of the \$72,000 paid out, \$8,400 was received from members who became delinquent after paying some assessments. According to article 8 of the constitution, which became effective January 1, 1897, "Every member carrying a beneficiary certificate of \$1,000 shall p—

an assessment of \$1 each month. Every member carrying a beneficiary certificate of \$500 shall pay an assessment of 50 cents each month. Should the amount become inadequate to pay claims, the grand executive committee shall call such additional assessments as may be necessary to pay claims."

The Brotherhood of Railway Carmen's Mutual Aid Association is an organization with a very small membership. The following statistical data cover the period of 6 years ending June 30, 1897:

STATISTICS OF BROTHERHOOD OF RAILWAY CARMEN'S MUTUAL AID ASSOCIATION, 1892 TO 1897.

Fiscal year ending June 30—	Membership of brotherhood at close of year.	Lodges at close of year.	Membership of mutual aid association at close of year.	Amount of assessments levied.	Number of benefits paid.	Total benefits paid.
1892.....	5,000	135	70	\$1.00	1	\$70.00
1893.....	4,200	159	193	3.00	3	480.00
1894.....	2,900	110	141	2.00	2	283.00
1895.....	1,800	60	122	2.00	2	250.00
1896.....	740	12	60	1.00	1	57.00
1897.....	1,300	35	90	1.00	1	90.00

The causes that account for the decline of the Brotherhood of Railway Carmen during the three years following 1893 have been stated. Apparently the brotherhood and the Mutual Aid Association have both seen their worst days and have begun to grow stronger. As was previously noted, the payment of local sickness benefits is a prominent feature of the brotherhood, the sums distributed in such payments being several times the amount of insurance claims paid.

From the table following, compiled from the foregoing tables, the six brotherhoods having insurance organizations may be compared:

STATISTICS OF INSURANCE DEPARTMENTS OF THE BROTHERHOODS COMPARED.

Brotherhood.	Year ending—	Membership at close of year.	Divisions or lodges at close of year.	Membership of insurance department at close of year.	Assessments per \$1,000 of insurance carried.	Total benefits paid.	Total insurance outstanding.
Order of Railway Conductors.....	Dec. 31, 1896	19,810	373	14,619	\$14.00	\$339,000	\$29,267,000
Brotherhood of Railroad Trainmen.....	Dec. 31, 1896	22,326	499	21,846	$\left\{ \begin{array}{l} 22.50 \\ 20.00 \end{array} \right.$	$\left\{ \begin{array}{l} 670,056 \\ 25,357,600 \end{array} \right.$	
Brotherhood of Locomotive Engineers.....	Dec. 31, 1896	30,309	535	18,739	15.67	602,250	40,344,750
Brotherhood of Locomotive Firemen.....	June 30, 1896	22,461	507	22,227	12.00	316,084	33,102,400
Brotherhood of Railway Trackmen.....	Dec. 31, 1896	1,250	90	1,250	12.00	16,000	1,250,000
Brotherhood of Railway Carmen.....	June 30, 1896	740	12	60	16.06	57	60,000
Total.....		96,896	2,016	78,741		1,943,447	129,381,750

a Estimated. The total for the 16 months from August 31, 1895, to December 31, 1896, was \$993,407.98.

b March 31, 1896.

It will be noted that in 1896 the Brotherhood of Locomotive Engineers had the largest membership, and its insurance association had the largest amount of outstanding insurance, although the number of members of that brotherhood carrying insurance was less than the number insured in each of two other organizations. The total amount paid in benefits by the six brotherhoods was \$1,943,447, and the total outstanding insurance was \$129,381,750.

It was impossible to obtain as complete statistics of the insurance organizations of the ladies' auxiliaries as were secured regarding the brotherhoods. The insurance associations connected with the auxiliaries are not so thoroughly organized as those of the brotherhoods, and, with the exception of the Ladies' Auxiliary to the Brotherhood of Locomotive Engineers, their reports are not so complete. The insurance association in the case of the auxiliaries is not so prominent a feature of the general organization as it is with the brotherhoods.

The fullest statistical report was obtained from the auxiliary to the Brotherhood of Locomotive Engineers. The following table covers the first 6 years of the history of the Voluntary Relief Association, and shows the membership at the close of each of the three biennial periods, and gives the assessments, deaths, and insurance payments for each period:

STATISTICS OF THE VOLUNTARY RELIEF ASSOCIATION OF THE LADIES' AUXILIARY TO THE BROTHERHOOD OF LOCOMOTIVE ENGINEERS, 1892 TO 1896.

Biennial period ending March 31—	Member-ship of auxiliary at end of period.	Member-ship of relief association at end of period.	Number of policies held by members at end of period.	Assessments levied on each policy.	Number of claims paid.	Total insurance paid.
1892.....	3,512	993	(a)	\$1.50	6	\$557.29
1894.....	5,065	1,390	2,213	5.00	20	8,322.66
1896.....	5,395	1,621	2,167	7.25	33	14,159.63
Total				13.75	59	23,039.58

a Not reported.

As each member is allowed to carry two policies, the number of outstanding certificates considerably exceeds the number insured. The membership in the relief association at the close of 1896 comprised somewhat less than one-third of the members of the auxiliary. It will be remembered that the benefit paid on each policy held by a member is the sum received from an assessment, at the death of the member, of 25 cents each on all the policies, the total amount not to exceed \$500.

The president of the Ladies' Auxiliary to the Order of Railway Conductors reported the membership of that auxiliary to be 2,775 at the close of June, 1898. The Benevolent Insurance Association of the auxiliary began operations in 1896. At the close of that year its membership was 154, and on March 31, 1898, the membership was report

by the general secretary and treasurer to be 274. No deaths occurred in 1896. Up to the middle of November, 1897, there had been two deaths. The insurance paid by the association is \$200 per death.

The Ladies' Auxiliary to the Brotherhood of Railroad Trainmen has a "beneficiary fund," in which all members who join the auxiliary when not over 55 years of age must participate. The beneficial feature was adopted in 1892. The following table presents the membership, deaths, and total payments for the five years ending December 31, 1896:

STATISTICS OF THE LADIES' AUXILIARY TO THE BROTHERHOOD OF RAILROAD TRAINMEN, 1892 TO 1896.

Year ending December 31—	Member- ship of auxiliary.	Number of claims paid.	Total pay- ments.
1892	639		
1893	1,058	9	\$1,860
1894	1,285	9	1,800
1895	1,575	13	4,550
1896	1,800	16	5,000
Total		47	13,750

The grand secretary and treasurer reports that in the total membership, as given above, there are "perhaps half a dozen honorary members, consisting of those who are over 55 years of age." The table shows that there were no deaths in 1892, and that the insurance payment was \$200 per death until 1895, when it was raised to \$350.

The Benevolent Insurance Association of the Ladies' Society, Brotherhood of Locomotive Firemen, still has a small membership. In 1895 the members numbered 50; in 1896, 90; and in November of 1897, 218. It is only during the past year that the membership increased rapidly. The total membership of the Ladies' Society was reported to be 1,097 in November, 1897; thus the present membership of the Benevolent Insurance Association is about one-fifth that of the Society. The insurance paid upon the death of an insured member equals the receipts from an assessment of 25 cents on each member. During 1894, 1895, and 1896 the deaths averaged one a year. During the first ten months of 1897 there were three deaths, and the total amount of insurance paid on the three claims was \$149.50, an average per claim of nearly \$50.

The reports from all four of the auxiliaries indicate that the insurance organizations are gaining in membership, and are becoming an increasingly important feature of the societies. The relief associations connected with the Auxiliary to the Brotherhood of Locomotive Engineers and the Auxiliary to the Brotherhood of Railroad Trainmen have already become beneficial institutions with a relatively large membership.

RELIEF AND INSURANCE ORGANIZATIONS OF BROTHERHOODS COMPARED WITH RAILWAY RELIEF DEPARTMENTS.

The benefit departments or insurance associations connected with the brotherhoods of railway employees and the railway relief departments exist for the accomplishment of similar objects by different methods. The plans and methods of both organizations and the results accomplished by each have been fully set forth in this report and the paper on Railway Relief Departments, published in the Bulletin, January, 1897. It remains now to compare the results achieved by the two classes of institutions.

The brotherhoods that have a benefit department as a part of their organization had a combined membership of about 97,000 at the close of 1896. The increase during 1897 has carried the total a few thousand over 100,000. The number of persons insured at the close of 1896 was about 79,000. The number at the beginning of 1898 is probably nearly 85,000. The railway relief departments at the close of their fiscal year 1897 had a total enrollment of about 122,000 members. The membership at the beginning of the calendar year 1898 is approximately 125,000. During the years 1893 and 1894, when a conjunction of adverse circumstances seriously affected the membership of the brotherhoods, the growth of the railway departments received but a slight check. The brotherhoods have hardly regained their membership of 1893, whereas the railway relief departments during the last four years have added fully 30 per cent to their enrollment of members. How long the railway departments will be able to maintain the lead they have secured will depend upon the growth of the railway systems with which they are connected, and upon whether other railway systems decide to establish such departments. The brotherhoods are at present growing rapidly in membership and in prestige among railway employees. As they have the entire body of railroad labor from which to draw, a few years of prosperous growth will probably increase their present membership 50 per cent or more.

There are several difficulties in the way of making an exact comparison of the costs of securing an equal amount of relief and insurance from the railway department and from the insurance organizations of the brotherhoods. The insurance provided by the brotherhoods covers death and total disability due to several causes, whereas insurance claims are paid by the railway departments only upon the death of the insured. Again, the brotherhoods leave the payment of sick benefits to the divisions and lodges, while the railway departments include these payments in their scheme of organization. Furthermore, the railway departments do not pay the expenses of management out of the receipts from members, these expenses being borne by the railroad companies. The brotherhoods, however, with the exception of the Brotherhood of Railroad Trainmen, charge some or all of the operating expenses to the funds received from the insurance assessments.

In making comparisons, the fact ought also to be considered that cost furnishes only one of several criteria by which the merits of a plan of insurance is to be judged. Safety is a factor of as much importance as cost. The railway departments have been managed in a conservative way, and they have a good financial basis. They are apparently financially safe institutions. The brotherhood insurance is organized on the assessment plan, and its stability and safety are determined by the confidence which the members have in the institution for the maintenance of which they are required to make regular payments. Brotherhood insurance, like fraternal insurance generally, has an advantage over nonfraternal assessment insurance, because of the loyalty and pride which the members feel toward their brotherhood or order. The brotherhoods seem to have commanded the confidence of their members, and this is what might be expected. The members manage the organization in a democratic way for their own good, and assessment insurance under such conditions has much more to commend it than it has when managed by companies organized solely for insurance and operated without the restraining influences that are exerted by the motives and aims that animate the brotherhoods.

It has not been a part of the plan of this report to enter into a discussion of the relative merits of assessment insurance and level-premium or "old-line" insurance; but the object has rather been to describe the relief and insurance organizations that have been established by the brotherhoods of railway employees, and to give as complete and accurate an account as was possible of the nature and amount of the insurance provided and relief actually afforded. The old-line companies and the benefit departments of the brotherhoods issue certificates guaranteeing the payment of very different claims and benefits, different both in amount and as regards the conditions under which they are paid. Indeed, the purposes of the two classes of organizations are to a large extent different. This being the case, a comparison of the benefit departments with the old-line companies would take us far afield without yielding very important results.

An insurance organization composed of employees, besides providing its members with insurance, produces indirect results hardly less important than the direct one it exists to accomplish. "One result of the establishment of relief associations in which the railway companies and their servants unite for a common purpose is the cultivation of a better relationship between employer and employed. Labor and capital are brought into friendly contact. This is to their mutual benefit and for the good of society. If the relief department contributes something to overcome the bitter feelings, the distrust, hostility, and strife which have so often characterized the relations of corporations and their employees, that fact must argue much in its favor." (a)

a Author's paper on Railway Departments for the Relief and Insurance of Employees, *Annals of the American Academy*, Vol. VI, p. 466.

The brotherhoods do not promote this cooperation of capital and labor for the accomplishment of this desirable result, but they enable the employees to unite and cooperate with each other in efforts to better their ethical, intellectual, and material well-being. These efforts have been attended with a large measure of success, and this success has been in no small degree due to the relief and insurance features of the brotherhood organizations. The benefit departments have aided the brotherhoods in enlisting the interest of the railway employees, have given the members greater loyalty to their brotherhoods, and have strengthened those bonds of fraternal feeling which are so essential to the vigorous growth of a labor organization. For these reasons it will not be inferred that the comparisons of the expenses of securing relief and insurance through membership in the railway departments and in the brotherhoods constitute a discussion of the sole standard by which the two plans of affording relief and insurance are to be judged.

Although a close comparison can not be made between the costs of securing relief and insurance through the railway relief departments and the costs of securing benefits of an equivalent amount through membership in a brotherhood, because of the dissimilarity in the relief and insurance plans of the two organizations, it is possible to contrast corresponding expenses with approximate exactness. For the purpose of making such a comparison, two of the largest, oldest, and most typical railway relief departments and two of the oldest and best developed brotherhoods of railway employees have been chosen, and the following table prepared, in which corresponding assessments, insurance payments, and sick benefits are contrasted:

COST OF RELIEF AND INSURANCE IN RAILWAY RELIEF DEPARTMENTS AND IN THE BROTHERHOODS COMPARED.

Organization.	Total annual assessments.	Insurance secured by foregoing assessments.	Amounts paid per week for accident and sick relief.	Funeral payments.
Pennsylvania Railroad Voluntary Relief Department.	Upon members with a salary between \$56 and \$75 a month... \$27.00	Payable on death... \$750	Accident relief, \$9 a week for 52 weeks; \$4.50 thereafter. Sick relief, \$7.20 a week for 52 weeks.	
Baltimore and Ohio Relief Department.	Upon members with a salary between \$50 and \$75 a month: Operating trains... \$36.00 Others 27.00	Payable on death due to— Accident \$1,500 Sickness. 750	Accident relief, \$9 a week for 26 weeks; \$4.50 thereafter. Sick relief, \$9 a week for 52 weeks.	
Order of Railway Conductors, West Philadelphia Division.	For insurance (average per \$1,000 for five years, 1892-1896) .. \$14.60 For weekly relief payments 12.00 Total 26.60	Payable on death or total disability. \$1,000	Sick relief, \$7 a week for 52 weeks; \$3.50 thereafter.	On death of member, \$50; on death of wife of member, \$25.
Brotherhood of Locomotive Engineers, Cedar Rapids (Iowa) Division.	For insurance (average per \$1,000 for three years, 1894-1896) .. \$15.61 For weekly relief payments (average for five years, 1892-1896) 6.90 Total 22.51	Payable on death or total disability. \$1,000	Accident or sick relief, \$10.50 a week for 52 weeks.	

The West Philadelphia Division of the Order of Railway Conductors is a very large one, with over 200 members; the Cedar Rapids Division of the Brotherhood of Locomotive Engineers is one of average size, with a present membership of about 65. Each division has maintained a local relief organization for many years. In order that corresponding assessments and benefits might be compared in the preceding table, those assessments of the railway relief departments were chosen which are levied on the members who receive average wages. Each railway department divides members on the basis of wages into five classes. The third or middle class is selected, and its wages probably correspond with the average wages of the members of the brotherhoods here considered.

The insurance secured by the assessments quoted in the table is not the same in all four cases. The assessments securing an insurance claim of \$1,000 are given for both brotherhoods. The insurance payments of the Baltimore and Ohio Relief Department seem much larger than the payments made by the three other organizations; but in reality they do not average over \$1,000, because three-fourths of the payments are on account of deaths due to natural causes, and only one-fourth on account of deaths resulting from accidents. The Pennsylvania Railroad Voluntary Relief Department makes a smaller insurance payment than the Baltimore and Ohio Relief Department does, but this is offset by the smaller assessments, the accident and sick relief afforded being about the same for each company. From the description of the benefit departments given in preceding sections, it will be remembered that the insurance payments of the brotherhoods are made on death and total disability, whereas the railway departments pay insurance only on the death of the insured member. A part of the expenditures made by the brotherhoods for insurance payments covers claims which the railway departments classify as accident and sick benefits. In those divisions of the brotherhoods where local relief is provided for by the regulations of the organization, the members are assured of slightly more assistance than is to be secured by membership in the railway relief departments. The local benefits of these divisions are about the same as the accident and sick payments made by the railway departments, but the member of the brotherhood who becomes totally disabled as the result of any one of several causes receives the full amount of his insurance.

The total annual assessments differ but slightly, the showing made by the brotherhoods being a trifle better than that made by the railway departments. The Philadelphia Division makes a somewhat smaller weekly relief payment than the railway departments make, but this division provides for funeral payments, that doubtless make its total payment about as large per individual aided. The annual relief assessments of the West Philadelphia Division are considerably larger than those levied by the Cedar Rapids Division. If the latter were to

make funeral payments, its assessments would necessarily be larger. The relief assessments of the Cedar Rapids Division are lower than such assessments usually are. During the first five years that the Cedar Rapids Division made relief payments the assessments were lighter than they were for the next quinquennial period, 1892-1896, the one taken in the above table; and the indications are that the assessments will average somewhat higher in the future than they have during the past five years.

The general conclusion to be drawn from the foregoing details of comparison is the rather negative one that the cost of securing equivalent amounts of insurance and relief is practically the same in the railway departments and in the brotherhoods, and that if membership in one organization is preferable to membership in the other, it is because of considerations other than cost. The aims and purposes of both the railway departments and brotherhood departments and their plan of organization have been set forth in this report and in the one previously published in Bulletin No. 8. Whoever accords greater merit to one than to the other of the two plans of relief and insurance can not justly condemn either. Both are beneficial institutions.

THE PRESENT POLICY AND PROBABLE FUTURE OF THE BROTHERHOODS.

The future of brotherhood insurance and relief of railway employees depends upon the future management and development of the brotherhoods. A brief discussion of the policy now being followed by the leaders of the brotherhoods, both concerning the organizations as a whole and as regards the insurance or benefit departments, and a brief consideration of the ideals that should be cherished by those who are to influence the development of the departments, will present some of the conclusions to which this study has led.

The brotherhoods are growing in membership and influence. The statistics contained in the preceding section show this very clearly regarding the four large brotherhoods. What is true of them is also true of the Order of Railroad Telegraphers, which was not included in the statistical tables because it had not yet organized an insurance department at the time of the preparation of this report. The showing made by the two smaller brotherhoods is unduly unfavorable to them. The organizations were young and were just acquiring vigor when the very exceptional events of 1893 and 1894 occurred. Had they been older and larger organizations they would have weathered the storm without serious losses; but, being as they were, they were nearly wrecked. They have now regained their confidence and vigor, and their future promises well. The small brotherhood that suffered most from the organization of the American Railway Union was the men's Union. The successful reorganization of that union during 1897.

The struggles through which labor organizations have been obliged to go in order to secure their due meed of legal protection are well known. Among the recent laws of importance to the progress of labor organizations is the one passed in 1897 by the State of Pennsylvania, entitled "An act to protect employees of corporations in their right to form, join, or belong to labor organizations by prescribing penalties for any interference therewith." The enactment of this law, which is similar to statutes enacted by some other States, was prompted by the practice of a Philadelphia street railway corporation and a large railroad company doing business mainly in Pennsylvania. For many years the railroad company refused to permit any of its employees to belong to labor organizations. The passage of this law after two years of effort is an illustration of the efficiency of the organizations of railroad employees. They cooperated with each other and with other labor organizations, and were ably and conservatively led.

Successful cooperation among labor organizations for the accomplishment of conservative ends is evidence that the organizations have passed the experimental stage of their development and are being ably managed. It is a fact of much significance that the brotherhoods of railway employees have perfected a plan of federation that will enable them to cooperate in carrying out some of their common purposes. The brotherhoods were prompted to form "an alliance for the mutual advancement and protection of the interests of the railway employees of America" because of the conviction that such a federation would give them greater prestige among railway laborers outside of their organizations, and because they believe that by acting as a unit the brotherhoods can limit the number of strikes by preventing the inauguration of any strike by any one brotherhood without the sanction of the others. They believe that by acting together they will make more conservative demands of their employers, and that the demands thus made will be apt to be granted because of the greater strength of the federation as compared with an individual brotherhood.

The plan of federating the brotherhoods was not an altogether new one. In 1889 a federation called the United Orders of Railway Employees was entered into by the Brotherhood of Locomotive Firemen, the Brotherhood of Railroad Trainmen, the Switchmen's Mutual Aid Association, and the Brotherhood (not the Order) of Railway Conductors. The Brotherhood of Railway Conductors, it will be remembered, was established in 1888, because of the opposition which the western conductors had to the nonprotective policy maintained by the Order of Railway Conductors—the policy of prohibiting members from participating in strikes. In 1890 the Order of Railway Conductors voted to adopt the protective feature, and a year later decided to join the united orders; but just at this time a disagreement between two of the united orders led to the disruption of that federation. The time was not then ripe for successful federation. The brotherhoods did not

have the requisite degree of confidence in each other, and the leaders of the federation movement were too radical.

A plan of federation by systems of railways, optional with the divisions and lodges, was adopted in 1895. The grand chief conductor of the Order of Railway Conductors reports that this plan "has been adopted on many roads and has proven beneficial in many instances." This form of federation, which received the approval of all the five large brotherhoods, provided for the cooperation "through their general committee or boards of adjustment." Each brotherhood has one general grievance committee or more for each railway system, and the chairmen of these committees of the several brotherhoods "constitute the general federated committee for that system." It was expected that federating by systems would lead to the adoption of a general federation embracing all the members of all the large brotherhoods, and such was the result.

The last biennial conventions of the conductors, firemen, trainmen, and telegraphers each appointed a committee to confer with the representatives of the other brotherhoods and formulate a plan of general federation. The committee met in Peoria, Ill., October 12, 1897. The grand chief of the Brotherhood of Locomotive Engineers was present and participated in the conference, although necessarily in an informal way, because he had not been delegated with authority by his brotherhood. A plan of an organization entitled the Federation of American Railway Employees was formulated, and this was submitted by three of the brotherhoods to the divisions for approval or rejection. The representatives of the telegraphers, acting on the power delegated to them, accepted the plan without submitting it to the vote of the divisions. The grand chief of the Brotherhood of Locomotive Engineers promised to submit the plan to the grand convention of the brotherhood, which met in May, 1898. (a)

Without taking space to present a full outline of the plan of federation that has been worked out, it may be said that a general executive committee, consisting of the chief executives of the several brotherhoods, is intrusted with the management of the general business of the federation; is charged with the duty of watching "national legislation which involves the interests of the membership and upon which the committee is agreed," and is made the leader of any strike that may be inaugurated. The brotherhoods give over the power to inaugurate a strike to the federated boards, of which there is one for each large railway system. Section 6 of the articles of federation provides that "Each organization, party to this federation, shall have regularly established local and general grievance committees or boards of adjust-

^a The opposition to federating with the other brotherhoods was so strong in the convention that the Brotherhood of Locomotive Engineers did not enter the federation. The four other large brotherhoods, however, have federated. The organization went into effect April 1, 1898.

ment on each system of railway, as provided in their laws. The chairman and secretary of each general committee or board of adjustment for the system, together with the executives of the organizations, or their duly appointed associate officers, shall constitute the federated board for that system of railway." Each brotherhood deals, as formerly, with the grievance until it reaches the point of deciding upon a strike, then the adjustment of the grievance is undertaken by the federated board for the railway system against which the grievance is held. If the federated board is unable to adjust the trouble it may inaugurate a strike. When the board votes on the question of a strike each brotherhood has one ballot, and the vote in favor of a strike must be unanimous in order to carry.

This federation of the brotherhoods is a movement in the direction of conservatism rather than radicalism. Each of the brotherhoods has the "protective feature," and without federation each has the power of inaugurating a strike. The chief executive officer of one of the brotherhoods says that by means of the Federation of American Railway Employees, "It is sought to combine the wisdom of the representatives of the several organizations and to prevent any hasty, extreme measures being taken by any. You will note that no cause can be pushed to the extreme of a strike unless it has the indorsement of the organizations in the federation. The combined moral influence of the representatives of the organizations must first be expended. Their united judgment must support the cause. In this way it is believed and hoped that no mistake will be made. On the other hand, if a strike is inaugurated it will have the united strength of the organizations behind it."

The federation of the brotherhoods does not directly affect the relief and insurance organizations maintained by them, but it will inevitably have an indirect influence upon the success of those organizations by strengthening or weakening the brotherhoods. The successful federation of the brotherhoods can not fail to strengthen them by increasing their prestige and their membership. On the other hand, if federation should lead to the adoption of a radical programme of action, the opposition to the brotherhoods might become strong enough both to disrupt the federation and to check the growth of the several brotherhoods. The indications, however, do not point in the direction of radicalism, and federation promises to enhance the future development of the relief and insurance feature of the brotherhood organization.

One prominent feature of the insurance organization connected with the brotherhoods is the requirement made by the large brotherhoods compelling all members to carry insurance unless disqualified by age or physical condition. Three of the four large brotherhoods made insurance voluntary at the start, but afterwards all three adopted the compulsory plan. The two smaller brotherhoods, however, have voluntary insurance at present, the trackmen having changed from the compulsory to the voluntary plan at the close of 1896. The experi-

ence of the brotherhoods indicates that the compulsory plan is practicable after the organization has become large and strongly entrenched in the favor of its members, but that a young and small organization may find that compulsory insurance makes it more difficult instead of easier to secure new members. Even among the members of the large brotherhoods there is some opposition to compulsory insurance, but the number so opposed is apparently small.

There are advantages gained by making insurance compulsory. From the standpoint of the brotherhood as a whole, the benefit consists in the greater stability that the society possesses, because its members are bound to it by stronger ties. The holder of an insurance certificate must feel that his brotherhood stands to him for more than it would if he were not insured, and he will be less disposed to sacrifice his membership when placed under the stress of unfavorable circumstances. The advantages accruing to the insurance organization from the compulsory plan are those which accompany a larger membership. Compulsory membership enables the insurance department to perform more completely the insurance and relief work that it exists to accomplish. Viewed as an agency for the promotion of the material welfare of railway employees, the adoption of the compulsory feature seems altogether desirable. The brotherhoods are voluntary fraternal organizations, no employee being compelled to join them; consequently their compulsory insurance feature is not open to the objections that are often raised against compulsory State insurance as it has been developed on the continent of Europe.

In one particular the brotherhood plan of relief needs further development. The field of death and disability insurance is well occupied, but the relief work is not organized in all divisions. Many divisions have excellent relief organizations, while others make only those provisions for the care of members that are usual with fraternal organizations. It should be the aim of the brotherhoods to round out their system of affording relief and insurance by bringing about the establishment of a local relief organization in connection with each division or lodge. Whether this could be accomplished better by general regulations adopted by the grand conventions or by means of agitation carried on through the official journals and through discussions in the divisions and local conventions of the divisions is something to be determined by those whose experience in the management of the brotherhoods has taught them how a plan such as the one here proposed can be carried out most satisfactorily.

I can not close this section of the report and the report as a whole more appropriately than by quoting a paragraph recently penned by the grand chief conductor of the Order of Railway Conductors:

"These brotherhoods have never been in a better condition. They have been tried as if by fire during the past few years. Their unswerving devotion to their fundamental principles and their manifested deter-

mination to stick by their laws and the right has inspired a confidence in them on the part of their membership as well as on the part of the employers of that membership and such of the public as have taken the trouble to look into the subject. I consider their future prospects bright, and I have as abiding a faith in their permanency and success as I have in the eventual triumph of the right."

These words of hope and confidence bespeak a certainty as to the future that is based on a successful past. There is every indication that the brotherhoods of railway employees are destined to enjoy a large development in the future. No feature of their organization will contribute more to their progress than the departments which they have so successfully maintained for the relief and insurance of their members.

THE NATIONS OF ANTWERP.

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Antiquarians have sought to show that even in the origin of its name the commercial importance of Antwerp in the early ages is confirmed. They declare that the word in its primal form was *aen 't ierp*, the port, and they assure us that it was neither chance nor caprice that caused the Saxons to establish the camp which is now the site of the maritime metropolis of central Europe.

In the coat of arms of this city the three hands perpetuate the legend of the cruel Druon who caused to be cut off the right hand of each captain who essayed to steer his boat up the river past his castle without paying the demanded toll, while the term *Hand werpen* (Antwerp) indicates the destination of the severed member. So both history and legend bear testimony to the fact that Antwerp has always been what it is now—a center of traffic and commerce.

In the first years of the twelfth century Antwerp passed under the dominion of the dukes of Brabant. The well-regulated government which it now enjoyed, together with special privileges accorded to men engaged in trade, were instrumental in bringing about a rapid growth of the city, and as early as 1315 the formation of the Hanseatic league, or association, was one of the results. The benefits of this society were so apparent that it was soon followed by the Hesse establishment, and with it the laying of the foundations for the largest banking houses ever known.

When Flanders came into the possession of Charles V it monopolized the attention of his subjects even in other lands, and in a short time the merchants of the Mediterranean were making Antwerp their port and located within its walls their enormous warehouses. It was evidently this congregation of peoples of different nationalities, with the clannish instincts that hold related people together and unite them in their competition against others, that suggested to Jan III the advisability of organizing the merchants of Antwerp and Brussels into *natie* or nations. At first this racial division coincided quite closely with a classification by trades or by line of commerce pursued, but the former breaking down by intermarriage and other causes before the latter was subjected to much change the word "nation" became applied to persons engaged in handling like articles of trade.

Under the favorable conditions already referred to the merchants outgrew a single line of trade and a classification upon ~~such~~ a basis was no longer possible. But while pursuing ~~restrict~~ com-merce their workmen had acquired a particular the goods in which their employers dealt, and as

over to new lines of activity as rapidly as the merchants could they took up the discarded cognomen of "nations" and differentiated labor found its beginning. That this is a correct hypothesis can be seen in the fact that in a few years the nations at Brussels died out altogether although the number of merchants continually increased in number there, but there was not a corresponding addition to the number of workmen, as was the case in Antwerp, where large quantities of merchandise passed in transit.

From this time on the nations were regarded as a sort of guild, with this important difference: The guilds sought by a variety of means to improve their methods, having in view the turning out of better products. Their membership was made up of craftsmen. On the other hand, the nations were mere laborers united for self-protection rather than to stimulate one another in increasing their effectiveness, and the membership was made up of the nontechnical class. They were in no sense dealers, and it was not until 1787 that it was deemed necessary to stipulate that such a lax organization might be regarded as collective owners of property, either personal or real. This stipulation came as an imperial edict, and lent emphasis to the societies then in existence. Just how many there were at this time is not known. The first statement of a statistical character is that of 1829, when it is mentioned incidentally that there were thirty odd nations in Antwerp; but there is a record in the city's archives that in 1668 rules for the guidance of the nations were drawn up, and again in 1802 they appear to have been amended. In 1820 the city, in recognition of their importance, granted them certain privileges and facilities for carrying on their work. As there is no mention of any subsequent modification of their plan of organization, it is likely that they are now observing rules which were then in force.

The nations, as we now find them, are the results of unrestricted growth—that is, uninfluenced by governmental interference or legislation; hence they may be regarded as the normal outcome of the efforts of groups of laborers seeking to protect themselves without endangering others, and to enjoy privileges that do not transgress the rights of fellow-men, and at the same time to reap the benefits of their own strength and intelligence.

A nation may now be defined as an organization of workmen forming a limited society in which every member is a shareholder. The word "limited" does not signify a limitation as to the responsibility of each member, but a restriction as to the function and number of members. While each share represents a member, and vice versa, still it is possible to increase both at will. When a new member is taken in, if the capital does not need replenishing, the money he pays for his share is divided pro rata among the members already forming the society, the amount paid being determined by dividing the estimated capital, counting good will as an asset, by the number of members. From this it

will be seen that no one would seek membership in a nation whose treasury is so low as to be in need of a member's share, and likewise it will be apparent that a member of a nation which is known to be paying poorly would find it difficult to dispose of his share. Such a member is obliged to retain his holding, hoping for a fortunate turn in the affairs of his nation.

The restricted function referred to is a survival of the circumstances which surrounded the formation of the nations—that is, each nation occupies itself with the handling of a certain line of merchandise, either in loading it upon vessels, unloading it, or transporting it from boat to warehouse or to the cars. In later days the restriction goes still further—that is, the particular merchandise must come from a certain country. Thus several nations will unload wool, but one will discharge a cargo of wool from Buenos Ayres, while another would have to be called upon if the wool came from Australia. This differentiation has resulted from the fact that in the early days the nations were the official, or at least the recognized measurers, weighers, or inspectors, and hence the men who were competent to serve in such capacities upon the products of one country might not be able to act when similar articles came from another land. Then, again, the nation would become familiar with the methods of stowing employed at a certain port, and thus be able to discharge a vessel from that port more quickly than could be done by any other nation.

In time the nation would become possessed with the implements needed for the ready handling of such articles as came within its line of work, so that a newly organized nation would find it difficult to displace one already established, and consequently would be obliged to select some unoccupied field. This field would naturally be limited and the character of work correspondingly specialized. From this it can be seen that the elaborate differentiation of labor here in force is the natural outcome of the way in which the nations came into existence, and it is evident that its continuance is assured, because a society with restricted lines of work can become proficient in those lines, can acquire the best implements and appliances for their performance, and thus give to their employers the best possible service while securing for its members the greatest remuneration. This naturally suggests a train of monopolies with the attendant opportunities for extortionate charges, since there is no limitation as to the prices that may be demanded. But on the other hand there is no statutory limit as to the number of nations that may be formed. Any overprosperity on the part of one would soon call competing societies into existence or cause a shipper to appeal to a nation whose line of work was so closely related to his that it could profitably to both undertake the contract in question. There is, therefore, this possibility of calling upon competitors the prices normal. It may be suggested that the same would individualized labor. Then wherein do the nations possess we

secured for them their uninterrupted existence during so many generations? The answer can be seen in their organization and methods.

The nations as we now find them are joint-stock companies, in which each member is the holder of one share and contributes his services as well as the use of his money to the welfare of the society. The number of members varies in the different nations and is not stable even in any one, changing with the varying fortunes or commercial activity of Antwerp. The average membership of a nation is between twenty and thirty, although some of the more important, as the Wyngaardnatie and the Noordnatie, have from fifty to sixty members. The members elect their own officers—the dean, assistant deans, and in some cases a secretary. In the larger nations each subdean has some special function; thus one to look after the horses, their purchase and care, another is the supervisor of work on the docks, and another is charged with the task of clearing the cargo of its custom-house regulations. These officers serve without extra compensation, except in some cases an allowance is made for car fare, and in addition to the duties that would naturally fall to them, they constitute the council which adjusts all matters in controversy and considers all new questions that may arise. The authority of the dean is supreme in everything that pertains to the routine work of the nation. He makes all assignments of tasks, receives the reports of all the parties that work, makes contracts, and deposits in bank the money received for each job.

The outward workings of a nation resemble somewhat a patriarchal form of government. On every week day morning, and, in busy seasons, on Sundays as well, all the members who are able and who are not already engaged upon some contract assemble at headquarters half an hour before it is time to begin work, and receive assignments for the day. This allotment of tasks by the dean is not subject to open criticism or refusal, but he is doubtless guided in making the assignments by a knowledge of each man's special fitness or influenced by his recent labors. Those for whom there is no work have the day free without suffering any diminution in their share of the society's profits; but they are not allowed to hire themselves to others, since such labor would, by unfitting them for the duties of the morrow, detract from their earning capacity when working in the interests of the society. In the evening those who were occupied during the day report to the dean, and a record is made of the place and character of the work upon which each man was engaged. This record is rather a check upon the work than upon the workmen, and at the present time, when the members are overseers and not workmen merely, these reports are made up only upon the completion of the work. When the task is finished the dean collects the entire amount due the society and places it in bank as a part of the general fund. At the end of the month, or more frequently in the case of the weaker nations, a balance is struck and the net receipts are divided equally among the members, regardless of the

number of idle days of each. Usually there is a maximum limit to the sum paid to each member as his share of the month's profits. In case the earnings during any month should justify a dividend in excess of this limit, the overplus is reserved to help out those months when work is slack or to contribute to the sinking fund, out of which to meet any emergency that may arise. As might be expected, these emergencies are of frequent occurrence and come in the shape of damaged machinery, broken wagons, or the need for more horses. Likewise those who are unable to work because of sickness or injury received in the discharge of duty fare equally with the others. However, this benefit is restricted to a definite number of months, never exceeding four. If the member should be incapacitated for work for a period in excess of the limit granted in his nation, he may be carried as a noncontributing member and receive a sum equivalent to the amount paid each active member diminished by a fair estimate of a month's wages—that is, he receives a dividend upon his share of the nation's earning assets. Or if the member has a son old enough to take his place, the son, if acceptable to the other members, can become a member by having his father's share transferred to himself. Then he assumes the support of the family.

When a member dies his share may pass by inheritance to a son or it may be sold at auction for the benefit of his heirs, but in any event the new member must be acceptable to the others. In the more prosperous nations shares command a premium, varying with the condition of the society. Since no member can own more than one share, there is no temptation for one to belittle the financial condition of his nation in the hope that he may secure a proffered share at a depreciated value. But, on the other hand, the profits of a nation are not matters of record, nor are its affairs open to official inspection, so nothing more authentic than impression or hearsay can suggest the value of a share. The profitable purchase of a share is therefore to a certain extent purely a matter of chance, unless some friend of a member has received trustworthy hints.

The nations have their own rules or by-laws, but, being secret societies, it is practically impossible to find out just what they are. But it is known that the spirit of the "golden rule" pervades them, and that they are in general restricted to regulating the duties and obligations of the members toward one another. Fines are imposed for certain offenses; for instance, if a member fails to report each morning, unless sick or known to be engaged upon an assigned task, he pays a fine, and if the absence occurs twice within a month the fine is quadrupled, while a third offense would result in dismissal. Perhaps the most unique rule is one that exists in several of the nations, which prescribes that if one member summons another against his will as a witness he must pay an honorarium for every day thus detained; and if one member causes the arrest of a colleague he must pay the wages during the

period of arrest, but if the culprit is found guilty no compensation can be demanded.

The secret of the success which has during so many years attended the nations lies in the fact that each member in looking after his own interests by assiduous and well-directed labor contributes to the welfare of all.

The nearest approach to an authentic financial statement as to their condition is obtained from the decennial report which each nation submits to the local authorities showing its nominal assets and liabilities. From the accounts rendered in 1890 it is seen that the richest nation had a capital of \$180,000, divided into shares of \$5,000 each, and the next one in wealth had a capital of \$168,000, divided into shares of \$4,000. Of the actual assets the world at large knows but little beyond the fact that they consist of a number of magnificent draft horses, perhaps the finest in the world, wagons, stables, and such implements and appliances as are needed in the work. One of the most important items in the list of assets is "good will," which comes from the reputation of the nation.

The reputation for honesty and celerity means much to a nation. Since the Belgian laws do not recognize cooperative bodies, the nations can not be compelled by any legal procedure to observe a stipulated contract, and still each one must enter into contracts daily. The other party to the agreement may be forced into compliance, for he is a merchant or shipper, an individual or recognized firm. As such he would not treat with a nation unless fully persuaded that the conditions of the compact are sure of being observed in every particular. It also happens that goods may be taken to the docks too late to be placed on board. The shipper does not concern himself about that, for he knows that the nation will protect them, not because it is legally bound to do so, but because it is to the interest of the nation to establish or maintain its reputation for looking after the interests of its employers. Any dereliction of duty or violation of an implied trust would seriously affect a nation, perhaps beyond reparation.

In the summer of 1897 there came to the writer's attention an instance of a nation's determination to make amends for the mistakes of some of its members. One of the nations had discharged a vessel of its cargo of lumber, but in piling up the timber the men had put some of it nearer the boiler of a neighboring sawmill than the rules of the dock permitted. The owner of the lumber was notified that it must be moved, and as soon as the measurement of the distance was verified and it was found that one pile was a few meters nearer than was permissible, the owner simply notified the dean of the nation whose members had made the mistake and he had the lumber moved without delay and without any cost to the owner. If any fine had been imposed, the nation would have paid it. Then again, just a short while before this, a nation had agreed to remove a boiler from a steamer as she lay at the dock and to lower

another into place. The first part of the undertaking was completed, but just as the new boiler was hoisted and swung clear of the dock the chain broke and the great mass fell upon the side of the vessel and dropped overboard into the water. The vessel was damaged, the hoisting machinery broken, the boiler had to be overhauled, and a penalty paid because the steamer had remained overtime at the dock. All of these charges the nation met and every effort was made to hasten the work to its completion.

Of course, cases may be cited in which a nation has violated its contract, but it is apparent that by so doing it jeopardizes its good name, and without the reputation for honesty a nation would soon be without patrons. With their large capital and numerous members it is important that patronage be gained and not lost.

As has been said, the nation can not as a corporate body be sued, and thus forced to observe contracts or make restitution for losses which they may occasion, but by common consent their differences, like those between individual laborers and their employers, may be adjusted by the Conseil des Prud'hommes. But this council is so notoriously in sympathy with the laboring classes that to carry a case to it is practically to acknowledge that the employer is in the wrong and merely wishes to know how easily he "may get off." The nations know this to be true and avoid just as far as possible forcing their clients to intrust their differences to this body for adjudication. The more responsible ones at least prefer to be temporary losers than suffer a permanent injury.

The other efficient cause mentioned as promoting the success of the nations is celerity.

Napoleon, appreciating the wisdom of the early traders who used Antwerp as a port of entry, and realizing its importance in time of war, determined to increase its usefulness by improving the docks and deepening the river. He began this great work and saw the verification of his anticipations, while subsequent generations have shown their approval by continuing the work as begun without materially modifying his plans.

The general scheme provides for a continuous dock along the entire city front. It is substantially built of stone and covered with fire-proof sheds. But even these facilities are limited, so they have been supplemented by the construction of a large number of basins. These are connected with the river by means of canals through which the smaller craft are taken at a suitable tide and then locked in. The basins are specially designed for certain lines of merchandise and are consequently provided with all the appliances needed for handling such cargoes.

Along the dock extends a series of parallel railroad tracks, intersected occasionally by transverse tracks with a turntable at each crossing, making it possible, however crowded the tracks may be, to

bring a car to the side of a vessel at whatever place at the dock she may lie. Between the rails of the track nearest the face of the dock there runs a water main, kept continually charged with water at high pressure, and every few yards a water plug is provided. Hydraulic cranes and hoisting engines are mounted on movable cars, and whenever it is desired to unload a vessel one of these hoisting devices is rolled into a convenient position by her side, an attachment made to the nearest water plug, and anyone knowing how to open and shut the appropriate valves can lower the heavy cable into the ship's hold and at a given signal lift a weight of tons, if need be, swing it clear of her side, and deposit the load on the dock or on a car standing conveniently near. Capstans at frequent intervals, driven by turbine wheels fed from these same pipes, serve as an excellent and ever-ready motive power. If it is desired to bring a vessel up to the dock or to draw a car along the track, it is only necessary to take the free end of the attached rope, make a few turns around the head of the capstan, and press the lever at the side; the capstan revolves, winds up the rope as slowly or as rapidly as may be wished, and the great vessel swings into place or the train of cars is set in motion. The great facilities here suggested for handling freight and shipping are augmented by natural advantages and felicity of position. Situated somewhat near the center of gravity of the great continent of Europe, lying upon a river whose channel is readily kept deep and clear, and having a tide sufficient to prevent ice from forming or to carry it out to sea if formed, and in close connection with the capitals, commercial marts, and manufacturing cities of Europe, it has not been difficult for Antwerp to retain and even increase its importance as a port of entry.

In addition to these advantages, Belgian laws are favorable to the importer who expects to find sale for his goods in neighboring countries, especially in the length of time dutiable articles are permitted to remain in bonded warehouses, and the ease with which they can be removed for transportation across the boundary for delivery to foreign purchasers without the payment of duty to Belgium.

The large amount of shipping thus enticed to Antwerp would prove a source of embarrassment if vessels were granted unlimited time in which to discharge; therefore hard and fast rules are in force plainly stating to the hour the length of time a ship may remain at the dock or in a basin, and for each hour in excess of the time permitted a double charge is made. To insure the unloading of a vessel within the allotted time it is necessary that all should be in readiness by the time of arrival, that a sufficient number of men be available, and that they possess the requisite skill for handling the cargo in question. We have seen that the nations are skillful and that they acknowledge their liability to faithfully perform every contract entered upon. One of the most important items in the contract for unloading or loading is that it be done on time. This is the celerity referred to.

a vessel passes Flushing going in, its coming is telegraphed to the nations in Antwerp. He at once secures from the captain of the vessel the dock, or in the basin, and then calls upon the appropriate nation, telling it the size of the ship and the disposition to be made of the cargo. If the conditions are normal the employer knows the tariff of prices what the charges will be, and consequently there is no time in useless bartering. The time at which the ship will reach the dock is easily determined from the conditions of tide and weather, and the consignee rests satisfied that at the earliest possible moment the work of unloading will begin and will continue with the minimum of interruption until the task is done.

It is interesting to watch, for example, a Russian steamer laden with grain come into Antwerp. Even before the last line has been made fast members of the Valkeniers nation are on board, and if the cargo in part or in whole is destined for the interior, as many canal boats as can touch the steamer will be at once tied to her and the work of unloading will begin. It looks as though boats manned by pirates had risen from the sea and the steamer's crew had delivered up the cargo without a protest. Vessels of 10,000 tons can be unloaded in seventy-two hours, and as the members frequently work eighteen hours a day this means only four days. To one acquainted with the dilatoriness of Belgian workmen this will appear as a marvel of celerity.

It will readily be seen that this amount of work could not be done in the given time by the largest nation, even if it put its entire membership upon the job. The nations, therefore, are compelled to call in extra workmen. More than thirty years ago they realized that if in a busy season they should increase their membership sufficiently to enable each to do all the work that legitimately fell to it, there would be during the dull season too many among whom the meager earnings would have to be divided. To keep this unfortunate condition from arising, they concluded to supplement their working force by hiring laborers instead of adding to their membership whenever the demands were so great as to require an extra force. They thus became employers, or rather contractors, and each member is now a foreman or overseer whenever there is a rush of work.

We now find the nations, as a rule, a body of contractors, but each member spends his time as profitably as a foreman as he could formerly as an active workman. The relation between supply and demand can be better adjusted now, because a nation can increase or diminish its force of laborers to meet the exigencies of each day. The laborers must take their chances in finding employment, and are in the main obliged to look to the nations for work. Inasmuch as the nations employ only when the amount of work is more than they can handle, the workmen are simply a sort of reserve force. They can never become members of a nation because of a lack of capital, and if a man becomes an habitual employee of one nation he will be valuable to that nation, but hardly so

much so to another; so that while he specializes himself he narrows his opportunities for securing employment. Then, again, the thirty or forty members of a nation, with their individual preferences and prejudices, may drop their workmen at any time and take others into their service. It is, therefore, questionable if the nations benefit the laborer as much as they benefit the shipper. The latter can always be sure of finding a contractor to load or unload his vessel, and that the price will be just, but no laborer can be sure of being called upon to assist in the work. When, however, a man is employed he receives good wages. A freighter receives from 70 to 80 cents per day, with 10 cents an hour for extra work; those who work on the docks receive from 55 to 70 cents per day, while the stowers receive \$1.60 per day. But the work is hard and the taskmaster is one of a joint-stock company, whose profits will depend in part upon the amount of work which he can get out of the men under him.

Perhaps the best effect of this system is the practical immunity which it insures against strikes, and strikes among longshoremen are always exceedingly demoralizing, since they bring about a congested condition of the shipping which started before the strike began and can not be deflected en route. The way in which this result is achieved is practically as follows: The members of the nations having capital as well as time invested can not afford to endure enforced idleness, so even if they offered lower wages than the workmen could take they themselves must work all the harder to keep their contracts as well as to secure dividends as members. Then, again, if a nation should refuse to take a job that legitimately fell to it, other workmen would organize a nation and go into business with the assurance of receiving in perpetuity the work of the shipper in question. There is a due appreciation, or perhaps even an exaggerated appreciation, in the minds of the people of Antwerp as to the earnings of the nations, and the only deterrent to the enlargement of the number is the fact that the present number covers all the lines of merchandise that come into this port. As said before, it is the character of the cargoes that fixes the number of nations, and not the amount of the shipping. Consequently if a nation should refuse to undertake a certain piece of work, it would by so doing serve notice that it would no longer work in that line. The gap thus made would be promptly filled by the organization of a new nation. As the number of nations has remained approximately the same for half a century, it can be seen that the inclination to strike has not been very strong among the dock laborers. In avoiding strikes the nations are more efficient than individual employers could be, for each employer of this class would have under him foremen who might be benefited by an increase of wages, even if they held out for some days. They would lose nothing more than their time, and, not being specially interested in the welfare of their employer, they would not always strive to make the workmen so satisfied with their work and wages that a demand for

improved conditions would not suggest itself. As already stated, the foremen in the nations are the members, so that the interest of the employer is their interest, and, coming close to the workmen, they can avoid in time dangers which might otherwise culminate in a strike.

The nations work at least one injury upon the workmen in their employ. A large proportion of the wives of the members of the nations keep small restaurants, and the workmen feel it incumbent upon themselves to patronize the wives of their employers. In their ready yielding to this conviction they doubtless spend more of their wages in drink than they otherwise would do. From the relations here described as existing between the laborer and the nation it will be seen that many of the problems as to the relations between employer and employee are present, the only difference being that they are forced down upon a somewhat lower plane, for the nation's laborer occupies about the same relative position to the nation that the nations bear to the employer who gives them a contract. There are here, one may say, three classes, with the day laborer occupying the lowest and the nations coming in an intermediate position between him and the real employer, so that the questions which the employer would ordinarily have to settle with the workmen here fall to the nation. If the employer has not been elevated by this interjection of the nations, the laborers must be depressed.

The benefits of union were so apparent in the organization of the nations that a little more than thirty years ago a Bond of Nations was suggested in order to resist the encroachment of the *Compagnie des Docks, Entrepôts et Magasins généraux d'Auvers*. The union thus formed was only temporary and included only nineteen nations, but judging from the rules to which they subscribed they were intensely in earnest in their determination to protect themselves. It appears that the company referred to sought to obtain control over all the docks and basins of Antwerp, to load and unload vessels, and to store goods that were in transit. It proposed to treat directly with the shipper or merchant, but graciously agreed to employ the nations as far as might lie in its power. As this company would possess certain advantages in being amenable to the laws of the land at least, it looked as though it might take the place of the nations in the making of contracts with the shippers. It did not suit the nations to be mere employees or go-betweens, so they signed a compact to the effect that they would do no work for this company, haul goods consigned to it either to or from the docks, nor hire their horses and wagons to any party who would in any way work for it. To show that they meant what they said, the second article of their compact was: "Any of the undersigned nations that may violate the agreement here reached shall for each offense pay the sum of \$3,000, which sum shall be divided among the other parties to this contract." It was also specified that no nation could dodge the penalty by changing its functions or constitution in

such a way as to permit any of its members to aid the company against which they were making war. The contract was very explicit in stating what would constitute an offense, as well as specifying the way in which it might be annulled. The outcome of this temporary union was the death of the company in so far as concerned its encroachment upon the functions of the nations. From this struggle all the nations were benefited—those without the bond as well as those within.

The Franco-Prussian war caused an increased activity in the Antwerp shipping, and also brought about no little irregularity in the movement of freight cars, so that it was necessary when a vessel was discharged to have some responsible party to look after the goods, if they were destined for the interior, until cars should be forthcoming. The demands upon the nations increased so rapidly that the usual observance of lines of merchandise was in danger of being disregarded, with the consequent confusion and abuse as to charges, and the organization of new nations was imminent. The members of the loose bond referred to, remembering the advantages that came to them from their union, began to agitate the advisability of its renewal. The assigned reasons for the new bond were: To agree upon a general tariff of charges; to support one another in the abolition of the dram-giving to the workmen with a substituting of increased wages therefor; and to prepare for the nations' participation in the royal festival of 1873.

During the war referred to, in the haste to secure transportation into the interior, it was by no means unusual to offer a gratuity to the railroad official who would place a car at the disposal of the shipper. This habit grew until it became a fixed charge of \$1 for each car supplied. The refusal to pay this sum suggested all sorts of excuses for delays in furnishing cars, so that the impatient shipper paid this levy rather than be subjected to costly delays. The bond at once determined to have this species of blackmail suppressed. It was a large and dangerous undertaking. So many of the railroad officials were known to be sharers in this bounty that any attempt to remove it would arouse their ill will, and to have the ill will of these officials would seriously embarrass the nations in their work of loading goods upon the cars and thus detract from their profits. Then, too, these officials, belonging to the Government, had the sympathy of the custom-house officers, who at once took up the fight and strove to injure the nations by opening the custom-house as late as possible in the morning and closing at the earliest minute allowed, thereby shortening the day for the nations and frequently causing them to return to finish some task that could have been done the evening before if a few minutes more had been allowed. The bond appealed for relief to the local chamber of commerce, but without effect. It then presented a memorial to the minister of railroads, fortified it with specific charges of abuse, and showed the importance of correcting these evils by citing the opinion that the chamber of commerce had expressed as to the value of the

nations in contributing to the commercial prosperity of Antwerp. Fortunately the parade of the nations on the occasion of the royal festival mentioned was so imposing, with its score upon score of great freight wagons drawn by hundreds of magnificent horses and manned by the entire membership of the nations, that the minister at once looked into the merits of their case, with the result that a number of guilty officials were removed and all abettors were transferred to other posts. While the ministry issued no special instructions favorable to the nations, it, by the act just mentioned, showed a most hearty interest in their work and a just appreciation of their importance. This was rightly construed as a sufficient hint to all subordinates to facilitate rather than impede the work they had in hand.

Although at this time only eighteen nations were in the bond, all enjoyed the benefits which resulted from the vigorous stand that it took. This is also true of subsequent reforms which it brought about, and in no case has it sought to secure special privileges or to coerce other nations to join. The union during the first few years of its existence was somewhat informal, having for its chief purpose the elimination of certain abuses, but when the results gave such convincing evidence of the benefits to be derived from concerted action it drew up in 1877 a set of rules which, with a few minor changes, is still in force. The rules provide that no nation can accept a person as client who had formerly employed another nation unless the latter had been dropped for good reasons, and then the charges must be no lower than the rates demanded by the nation dropped; that no commission exceeding 5 per cent shall be paid for securing contracts; that each nation shall file with the officers of the bond a list of its clients and keep the list corrected to date; that a nation may regard as a client anyone for whom it has worked for three months, and if two or more nations work for the same house but along different lines each may regard this house as a client, but neither can enter into competition with another; that members of the bond may compete with nations that are not members; that when a merchant leaves a nation belonging to the bond and engages an outside nation, after one month the merchant may be regarded as "in competition," and may be taken by any nation that can secure his trade; that all disputes between members of the bond shall be settled by arbitration, and in reaching a decision the arbitrators may call for the books and accounts of the contending nations if they be needed; and that each nation shall pay a monthly assessment of \$5. The constitution here outlined was regarded as so just and its provisions so reasonable that no fear was felt that it would be violated. It was not engrossed, but written on a single sheet, and signed by Wyngaardnatie, Noordnatie, Werf-en Vlasnatie, Valkeniersnatie, Guldenhoeknatie, Werknatie, Hessennatie, Molenbergnatie, Groen-Roknatie, Vlayenatie, Katoennatie, Scheldenatie, Romeinnatie, Tabaknatie, Kraannatie, Zilverwidsnatie, Ruysnatie, and Rijnnatie.

The bond, duly impressed with the spirit of the "golden rule," did not find it necessary to meet frequently in order to see that each member was keeping its pledges, or if it did meet no action was taken worthy of notice, for the record book contains but little beyond the simple entries of receipts and expenditures. Usually these expenditures were for charity or contributions to some public cause, as when it gave \$70 toward the Rubens celebration, \$100 to the relief of the victims of the Corvilain explosion, \$100 to the laborers' fund of Hamburg during its cholera epidemic, and frequent contributions to the Sunday rest fund. However, a few years later, when the impulse given to the commerce of Antwerp by the Franco-Prussian war had expended itself, the city found itself with too many nations. In order to find work those outside of the bond resorted to suicidal reductions in the schedule of charges, and the members of the bond became so apprehensive as to their safety that they decided to make the bond more compact, and to that end resolved to hold monthly meetings. Each member then paid 10 cents as monthly dues, and was fined 40 cents each time he was absent and 10 cents if late. In the new rules nothing was said as to the purpose of those monthly meetings, and it is only by reading the minutes that one can find out just what occupied their time. Here we see a resolution requesting the chief of the custom-house to let the summer hours of opening and closing the warehouses begin on March 15 instead of April 1; also a copy of a letter addressed to the inspector of the railroad station concerning improvements in the loading of cars, and later another letter to the same person about the condition of the roadways in the freight sheds. Now that the bond found that its voice was listened to, it began to look about to see what improvements it might with reason demand. Without going into details, they may be included under the following heads: New regulations regarding the storing of goods in transit; better conditions for the customs employees; a lengthening of the working hours; betterment of the streets and bridges; permission to work at night; lighting of the docks at night; a revision of the method of inspecting goods on the frontier, and an enlargement of the police force on the docks.

A mere glance at the results named above will show that not only the nations in the bond, but the other nations as well, and laborers at large were benefited by the bond's achievements. It is a justifiable boast of the bond that it has labored as hard for the general welfare as for its own profit.

During the year 1883 the bond came into open conflict with the city council in a cause that seemed to show that it did not wish organized labor or improved machinery to compete with the existing nations. A company had applied for a concession to erect and maintain grain elevators upon the docks. Such a concession, if granted, would have thrown several nations completely out of work. They therefore protested, and knowing that several members of the city council were

favorable to this concession, they made their fears publicly known, and in a short time a petition, bearing 25,000 signatures, was presented to the council asking that the privilege demanded be not granted. This circumstance, together with the fact that the privilege was not accorded, is mentioned merely to show what a strong hold the nations have upon the people of Antwerp and how the latter are ever ready to protect the interests and guard the welfare of the former.

The nations are looked upon as constituting one of the unique features of Antwerp, and no great festival is complete without their assistance. There, as in this country, a parade is an essential feature, and the parade of the nations is characteristic and businesslike, for they have in line, besides the sprinkling of brass bands, their huge freight wagons, drawn by their finest horses. Each nation has one wagon for each line of merchandise which it handles, and the wagon is loaded with the same. In the parade that the writer witnessed the Buysnatie headed the procession with one wagon laden with flour from England, one with Belgian biscuits, one with beef extract, and another with empty jars from England. The Katoennatie followed with wagons bearing wool from Buenos Ayres, rice hulled in Antwerp, refined sugar from Belgium, and Manila tobacco. Noticeable in the line was tea from China, fiber from the Dutch Indies, turpentine from America, palm trees from the Congo, oats from Russia, oil from Germany, guano from Peru, nitrates from Chile, elephant tusks from Africa, canned meat from Chicago, dried skins from Brazil, and in fact nearly every conceivable article of export from the countries of the world. Seventy wagons were in the procession, and the combined value of the loads they carried was estimated to be \$100,000. These goods were cheerfully loaned by the consignees, who knew that each article would be returned in the same condition in which it was taken. They also introduced a number of floats, carrying either the implements of work or an object lesson of the way in which their work is accomplished; for instance, the Buildragersnatie, which is the recognized official weighing and measuring corps of Antwerp, had a large platform, built upon and over a wagon, on which men were industriously measuring and weighing grain. All the men were dressed in their work-a-day clothes, with perhaps a new blouse for the occasion. It was interesting to note that nothing incongruous or useless was included just to swell the column, nor did great gaps exist in the ranks to lengthen out the time of passing. The whole parade was conducted on purely practical lines and no theatrical effects were attempted. This procession would impress upon one, more than figures or visiting docks, the importance of Antwerp's shipping and the carrying function of Belgium.

From the most reliable statistics obtainable at the time of the inquiry it was learned that the total membership of the nations was 1,943 and the combined capital \$2,934,000.

It is not the purpose of this paper to plead for the establishment in

this country of organizations similar to the nations. The arguments for or against such a step must be found in the description given of the nations, their historic development, the circumstances which surrounded their origin and growth, and the influence they have exerted upon the commercial life and activities around them. On the one hand, it will be noticed that they play a most important part in preserving for Antwerp its commercial prosperity; that they have a firm hold upon the affection and esteem of their employers, and that they contribute largely toward eliminating dangerous and annoying labor troubles; but, on the other hand, it will be observed that, although starting with the idea of cooperation in work and sharing of profits, they passed into organizations of employers, and now have formed a union for the protection and furtherance of self-interests. This union of nations has continued practically unchanged for twenty-five years, and as it has at no time come into conflict with its employers, it may be assumed that it is now working in perfect harmony with the interests of all concerned.

The accumulation of the facts above given has been a labor of considerable moment. The nations being secret organizations, few people know much about their rules or methods, and not one in a hundred, when they see the shining brass initials on the harnesses of the great draft horses, know that they belong to a nation, or if that much is known they could not give the nation's name. In the present investigation the writer consulted shippers and shipowners, officers of the city and of the docks, and laborers and students of labor questions.

RECENT REPORTS OF STATE BUREAUS OF LABOR STATISTICS.
CONNECTICUT.

Thirtieth Annual Report of the Bureau of Labor Statistics of the State of Connecticut, for the year ending November 30, 1897. Samuel B. Horne, Commissioner. 240 pp.

Following are the contents of this report: Letter of transmittal and introduction, 12 pages; condition of workingmen, 106 pages; condition of manufactures, 54 pages; mercantile clerks, 10 pages; municipal employees, 12 pages; laws relating to labor and court decisions, 33 pages.

INTRODUCTION.—The introductory part of the report contains a brief abstract of the subjects investigated, and an account of the action taken by the bureau with reference to alien laborers and insani-tary bakeshops. The announcement is made that the State board of mediation and arbitration has prepared no official report, the services of the board not having been required for the adjustment of difficulties between employer and employed. The introduction concludes with an outline of the contents of each report of the bureau issued since its establishment under the present law.

CONDITION OF WORKINGMEN.—This chapter contains statistics of earnings, hours of labor, cost of living, interest, taxes, and rents paid, possible savings of workingmen, occupations and nationality of work-ingmen, etc. The statistics are based upon returns received from 200 employees. The compilation also includes data concerning the occu-pations and earnings of men, women, and children taken from the Eleventh Annual Report of the United States Commissioner of Labor.

A summary of the statistics presented shows that of the 200 employees reporting 47 owned their homes, 34 of which were encum-bered by mortgages. The amount paid by these 47 house owners for interest, taxes, water rents, and repairs was \$4,388.50, or 11.3 per cent of their annual earnings. There were 125 rent payers whose annual expenditure for rent was \$14,392, or 19.5 per cent of their annual earnings. The remaining 28 employees report having paid no interest, water rent, taxes, or house rent. The annual living expenses of the entire number of employees reporting (exclusive of amount paid for interest, water rents, taxes, or house rent) were \$88,094.07, the total expenditure being \$106,874.57. The total earnings were \$128,684.58 and the net savings \$21,810.01. The table following shows, by place of birth, the average weekly earnings of the 200 employees and their families, and the percentage of earnings devoted to living expenses, to interest, taxes, rents, etc., and to possible savings.

AVERAGE WEEKLY EARNINGS AND COST OF LIVING OF EMPLOYEES.

Place of birth.	Em- ployees.	Average weekly earnings per family.	Per cent of earnings devoted to—			
			Living expenses.	Interest, taxes, rent, etc.	Possible savings.	Total.
United States.....	107	\$13.82	67.8	14.6	17.6	100.0
Italy.....	20	6.34	88.7	20.5	a 9.2	108.0
England.....	18	12.40	71.9	14.7	13.4	103.0
Ireland.....	12	11.84	67.5	13.7	18.8	100.0
Germany.....	8	17.30	56.9	9.6	33.5	100.0
France.....	6	11.82	58.9	10.8	30.3	100.0
Switzerland.....	6	12.28	53.4	21.1	25.5	100.0
Canada.....	4	19.57	55.5	8.5	36.0	100.0
Sweden.....	3	13.85	72.7	6.4	20.9	100.0

a Excess of expenditures over earnings.

CONDITION OF MANUFACTURES.—The statistics regarding the condition of manufactures show, by industries, for each of 768 establishments the number of persons employed July 1, 1896, and July 1, 1897, the percentage of increase or decrease in the number employed, average weekly hours of labor, number of days closed, amount paid in wages during the year ending July 1, 1896, and the year ending July 1, 1897, percentage of increase in wages paid, and estimated proportion of business done. Following is a recapitulation of the facts reported:

WAGES AND HOURS OF LABOR OF EMPLOYEES AND BUSINESS CONDITION OF ESTABLISHMENTS FOR THE YEAR ENDING JULY 1, 1897, BY INDUSTRIES.

Industries.	Estab- lish- ments report- ing.	Persons employed July 1—		In- crease in num- ber em- ployed (per cent).	Aver- age weekly hours of labor.	Amount wages the year ending July 1—		In- crease in amount of wages paid (per cent).	Esti- mated percent of busi- ness done of full ca- pacity.
		1896.	1897.			1896.	1897.		
Brass and brass goods.....	67	12,794	12,821	0.2	57	\$6,605,534	\$6,110,556	a 7.5	76
Brickmaking.....	7	247	245	a 8	61	66,063	69,183	a 4.7	83
Buttons, buckles, and pins.	16	1,446	1,535	6.2	57	510,612	469,679	a 8.0	76
Carriages and carriage parts.....	27	909	809	a 11.0	55	501,004	504,902	a 10.0	61
Corsets.....	11	4,155	4,352	4.7	56	1,390,626	1,341,186	a 3.6	82
Cotton goods.....	34	5,983	5,756	a 3.8	54	2,091,611	1,843,156	a 11.9	83
Cotton mills.....	25	6,226	6,367	2.3	58	1,878,379	1,731,727	a 7.8	80
Cutlery and tools.....	40	2,172	2,052	a 5.5	53	1,086,347	899,918	a 17.2	70
Firearms.....	8	1,041	902	a 13.4	52	591,365	484,833	a 18.0	69
General hardware.....	57	9,363	8,773	a 6.3	54	4,397,948	3,787,898	a 13.9	76
Hats and caps.....	22	2,598	2,584	a 5	56	1,166,490	1,106,516	a 5.1	70
Hosiery and knit goods.....	19	2,819	2,528	a 10.3	54	1,036,710	817,419	a 21.2	70
Iron and iron foundries.....	37	4,734	4,055	a 14.3	56	2,417,494	2,025,506	a 16.2	69
Leather goods.....	14	556	573	3.1	57	265,267	289,993	13.1	65
Machine shops.....	70	7,328	6,917	a 5.6	57	4,592,491	3,918,065	a 14.7	79
Musical instruments and parts.....	8	742	925	24.7	50	437,803	467,912	a 4.1	70
Paper and paper goods.....	56	2,718	2,625	a 3.4	59	1,678,110	1,011,316	a 6.2	69
Rubber goods.....	13	3,423	3,818	11.5	53	1,711,069	1,541,333	a 9.9	72
Shoes.....	9	491	534	8.8	57	192,457	217,029	12.8	84
Silk goods.....	17	3,803	3,987	4.8	57	1,419,419	1,359,632	a 4.2	69
Silver and plated ware.....	30	4,193	4,044	a 3.6	50	2,086,150	1,951,321	a 5.6	63
Stonecutting and quarry- ing.....	14	699	824	17.9	56	305,452	275,002	a 10.9	58
Wire and wire goods.....	13	738	731	a 9	57	375,396	303,487	a 19.2	65
Woodworking.....	46	2,020	2,042	1.4	56	1,039,753	931,110	a 10.4	74
Woolens and woolen mills.....	47	5,958	6,187	3.8	56	2,134,510	1,838,132	a 12.9	63
Miscellaneous.....	61	1,778	1,915	7.7	59	935,962	944,428	a 9	79
Total.....		768 88,934	87,907	a 1.2	56	40,404,002	36,271,729	a 10.3	74

a Decrease.

The total number of establishments represented in the table is 768. On July 1, 1897, there were 87,907 employees on the pay rolls of these establishments, a decrease of 1.2 per cent during the year. The average for all the establishments show an average of 56 hours of labor per week. During the year ending July 1, 1897, \$36,271,720 was paid in wages, a decrease of 10.2 per cent during the year. The average of business done of full capacity, as estimated by the managers reporting, shows the average to have been 74 per cent.

MERCANTILE CLERKS.—An inquiry concerning the hours of labor, wages paid, and the provisions made for the comfort of the clerks employed in mercantile establishments in the State was made in April, 1897, by the bureau, by means of a circular and schedule sent through the mail. As a result returns were received from 115 establishments employing 2,694 persons. The following table shows by form of trade the number of persons concerning whom information was received, their sex, weekly wages, and hours of labor:

SEX, WAGES, AND HOURS OF LABOR OF CLERKS EMPLOYED IN MERCANTILE ESTABLISHMENTS.

Form of trade.	Estab-lish-ments.	Employees.			Weekly wages.		Hours of labor.
		Males.	Females.	Total.	Males.	Females.	
Clothing	35	215	15	230	\$12.00	\$7.50	63
Dry goods	29	830	984	1,814	11.33	6.44	58
House furnishings	15	162	36	198	13.10	7.50	62
Groceries and provisions	17	266	39	305	11.52	7.47	72
Millinery	3		62	62		8.17	61
Shoes	17	71	14	85	12.67	9.46	61-63
Total	115	1,544	1,150	2,694	11.77	6.66	.....

MUNICIPAL EMPLOYEES.—The presentation consists of returns received from officials of the several cities and boroughs in the State showing the hours of labor, wages, and frequency of payment of municipal employees. The list of occupations for which the data are shown includes skilled and unskilled laborers, and police and fire department officers and employees. No summary is shown.

LABOR LAWS AND COURT DECISIONS.—In this chapter are presented copies of all laws relating to labor which were passed or rejected by the Connecticut legislature during the session of 1897. A few important court decisions respecting labor, which were made during the year in different States, are also quoted.

MARYLAND.

Sixth Annual Report of the Bureau of Industrial Statistics of Maryland. 1897. Charles H. Meyers, Chief of Bureau. 222 pp.

This report treats of the following subjects: Statistics of railroads in the State, 43 pages; culture and manufacture of tobacco, 11 pages; Baltimore—description of the city, the ground-rent system, harbor and

channel, and wholesale trade, 68 pages; list of industries in the State, 9 pages; wages and hours of labor in Baltimore trades, 9 pages; oyster culture, 36 pages; coal industry, 39 pages; financial statement, 1 page.

RAILROADS.—A brief description is given of each of the railroads doing business in the State. This is followed by a series of statistical tables showing the earnings, expenses, and freight and passenger traffic of each road, the number, wages, and hours of labor of the employees, and the number of persons killed and injured. The statistics are presented for the years 1892 and 1897. Returns from 15 railroads for the year ending June 30, 1897, are summarized in the following statement:

Earnings from passenger departments	\$3, 554, 619. 39
Earnings from freight departments.....	6, 624, 772. 36
Total earnings from all sources	10, 580, 392. 71
Total expenses of all kinds	7, 990, 426. 36
Number of passengers carried.....	6, 974, 650
Tons of freight carried	9, 985, 873

The following table shows the number of railroad employees and their average wages and hours of labor, by occupations, as reported for 1892 and 1897, respectively:

NUMBER AND AVERAGE WAGES AND HOURS OF LABOR OF RAILROAD EMPLOYEES,
BY OCCUPATIONS, 1892 AND 1897.

Occupations.	1892.			1897.		
	Number.	Daily wages.	Hours per day.	Number.	Daily wages.	Hours per day.
General officers	60	<i>a</i> \$249. 27	9	63	<i>a</i> \$257. 98	9
Division superintendents.....	3	<i>a</i> 125. 16	.....	22	<i>a</i> 140. 97	8
Civil engineers	19	<i>a</i> 99. 49	12	17	<i>a</i> 104. 72	.....
Master mechanics	10	<i>a</i> 108. 76	10	9	<i>a</i> 111. 27	10
Road masters	32	<i>a</i> 78. 53	10	29	<i>a</i> 99. 34	10
Clerks	767	<i>a</i> 49. 79	9	928	<i>a</i> 48. 37	10
Conductors	243	3. 13	9	239	3. 23	9
Brakemen	476	1. 66	9	483	1. 59	9
Baggagemen	87	1. 47	9	86	1. 62	10
Engineers	314	3. 49	9	326	3. 30	9
Firemen	315	1. 81	9	334	1. 79	9
Freight and yard conductors	158	2. 98	10	140	2. 87	10
Freight and yard engineers	137	3. 28	10	127	3. 14	10
Freight and yard firemen	148	1. 69	10	136	1. 71	10
Freight and yard brakemen	421	1. 69	10	356	1. 72	10
Machinists	318	2. 26	10	305	2. 10	10
Wipers	58	1. 31	9	82	1. 35	9
Telegraph operators (not station agents) ..	307	1. 69	11	299	1. 53	11
Station agents (not telegraph operators) ..	340	1. 38	9	303	1. 38	8
Station agents (also telegraph operators) ..	245	1. 42	10	234	1. 25	11
Carpenters	390	1. 94	10	318	1. 92	10
Section foremen	284	1. 75	10	238	1. 63	10
Sectionmen	2, 017	1. 23	10	1, 803	1. 15	10
Watchmen	822	1. 36	12	638	1. 18	10
Bridge tenders and pumpmen	30	1. 45	10	31	1. 47	12
Painters	88	1. 72	10	500	1. 85	9
Traveling passenger agents	2	4. 40	10	1	2. 10	10
Other employees	2, 804	1. 36	10	2, 642	1. 35	9

a Monthly wages.

The above figures are not complete for all the 15 railroads, the data in many cases representing returns from only a few of the roads. There were 44 persons killed and 329 injured by accident during the year. Of these, 38 deaths and 280 cases of injury were reported as being due to the carelessness of the killed and injured.

TOBACCO.—In this chapter an account is given of the culture and manufacture of Maryland tobacco, its history, and the various stages of its production. The chapter also contains production statistics.

INDUSTRIES.—An alphabetical list is given of all industries in the State, and a table shows the number of farmers in each county and the area of the latter.

WAGES AND HOURS OF LABOR.—The wages, hours of labor, and comments on the same are presented for each of 59 occupations in the city of Baltimore.

OYSTER CULTURE.—This chapter is mainly devoted to extracts from the report of the United States Fish Commission for 1897. Opinions of oystermen and others regarding the condition of the oyster industry in Maryland are also published.

COAL INDUSTRY.—An account is given of the development and present condition of the coal industry, the condition of the miners, and their wages and hours of labor. Statistical tables are presented showing the output for each mine in western Maryland in 1897, and the coal trade, by railways and canal carrying the same, from 1842 to 1897, inclusive. The total output in Maryland in 1897 is given as 3,931,929 tons, an increase of 269,665 over the production in 1896.

RECENT FOREIGN STATISTICAL PUBLICATIONS.

AUSTRIA.

Die Arbeitseinstellungen und Aussperrungen im Gewerbebetriebe in Österreich während des Jahres 1896. Herausgegeben vom Statistischen Departement im k. k. Handelsministerium. 333 pp.

This report on strikes and lockouts during the year 1896, published by the bureau of statistics of the board of trade of Austria, constitutes the sixth annual presentation of official strike statistics for that country. Those for the preceding years were reviewed in Bulletins Nos. 1, 3, and 10. The facts are presented in a series of six tables, containing (1) strikes according to geographical distribution, (2) strikes according to branches of industry, (3) general summary of strikes, (4) comparative figures for 1894, 1895, and 1896, (5) a description of each individual strike, and (6) a description of each lockout.

STRIKES.—A comparison of the strike statistics for 1896 with those for the preceding year shows an increase in the number of strikes, strikers, establishments involved, and time lost.

The following table shows the number of strikes, etc., for each of the six years, 1891 to 1896:

STRIKES BY YEARS, 1891 TO 1896.

Year.	Strikes.	Estab-lish-ments in-volved.	Strikers.	Per cent of strik-ers of total em-ployees.	Days lost.
1891	104	1,917	14,025	34.64	247,086
1892	101	1,519	14,123	57.36	150,992
1893	172	1,207	23,120	61.75	513,511
1894	159	2,468	44,075	72.59	566,463
1895	205	869	23,026	60.83	297,845
1896	294	1,403	36,114	63.33	595,768

The number of strikes, establishments involved, strikers, etc., in 1896, is shown by industries in the table following. Of the total number of strikers reported in 1896, 75.83 per cent were employed in the stone, glass, china, and earthen ware industries, metal and metallic goods, wooden and caoutchouc goods, textiles, and the building trades.

STRIKES IN 1896, BY INDUSTRIES.

Industries.	Strikes.	Estab-lish-ments.	Total employ-ees.	Strikers.		Others thrown out of employ-ment.	Strik-ers reem-ployed.	New employ-ees after strikes.
				Num-ber.	Per cent of total employ-ees.			
Stone, glass, china, and earthen ware.....	29	112	6,209	3,217	51.81	408	3,143	28
Metal and metallic goods.....	33	200	3,967	2,973	74.94	92	2,440	328
Machinery and instruments.....	14	100	4,374	2,038	47.05	19	1,722	214
Wooden and caoutchouc goods.....	55	340	9,138	5,972	65.37	275	5,135	270
Leather, hides, brushes, and feath-ers.....	18	47	1,109	754	67.90	110	630	63
Textiles.....	43	89	14,586	9,791	67.13	601	9,356	136
Paper hanging and upholstery.....	1	8	56	37	66.07	.....	.....	32
Wearing apparel and millinery.....	25	269	3,917	2,563	65.43	6	2,281	78
Paper.....	3	3	1,497	1,384	92.45	.....	1,377	7
Food preparations.....	9	48	901	356	39.51	1	251	90
Chemical products.....	4	4	1,091	875	80.20	18	847	.....
Building trades.....	42	141	8,626	5,431	63.00	822	4,818	98
Printing and publishing.....	13	37	787	874	47.82	11	339	19
Power, heat, and light stations.....	1	1	220	16	7.27	.....	5	11
Commerce.....	1	1	15	9	60.00	.....	.....	9
Transportation.....	2	2	140	65	46.43	.....	40	.....
Other industries.....	1	1	398	236	59.30	.....	202	.....
Total.....	294	1,403	57,029	36,114	63.33	2,372	32,597	1,380

The following table shows the percentage of strikers and of days lost for each of the five principal groups in detail, and for the other industries collectively:

PERCENTAGE OF STRIKERS AND OF DAYS LOST, BY INDUSTRIES, 1894, 1895, AND 1896.

Industries.	Per cent of strikers.			Per cent of days lost.		
	1894.	1895.	1896.	1894.	1895.	1896.
Stone, glass, china, and earthen ware.....	14.55	35.48	8.91	5.48	31.18	7.98
Metal and metallic goods.....	6.24	13.18	8.23	6.69	18.35	7.36
Wooden and caoutchouc goods.....	22.24	8.34	16.54	49.85	18.24	25.41
Textiles.....	14.33	14.58	27.11	8.05	11.36	39.44
Building trades.....	33.98	19.13	15.05	23.14	9.58	4.13
Other industries.....	8.69	9.29	24.16	6.79	11.29	15.68
Total.....	190.62	100.00	100.00	100.00	100.00	100.00

The textile industry shows the highest percentage of strikers and of days lost during 1896, namely, 27.11 per cent and 39.44 per cent, respectively. With the exception of wooden and caoutchouc goods, this industry also shows the largest number of strikes.

The table following shows the duration of strikes in 1896, by industries. Of the total number of strikes in 1896, 193, or 65.65 per cent, lasted but 10 days or less, while 17, or 5.78 per cent, continued for more than 60 days. The longest strike lasted 191 days. The average duration of strikes was 15.18 days.

DURATION OF STRIKES IN 1896, BY INDUSTRIES.

Industries.	10 days and under.	11 to 20 days.	21 to 30 days.	31 to 40 days.	41 to 50 days.	51 to 60 days.	Over 60 days.	Total
Stone, glass, china, and earthen ware	17	3	3	2	1	1	2	29
Metal and metallic goods	23	3	1	1	1	1	3	33
Machinery and instruments	8	3			1	1	1	14
Wooden and caoutchouc goods	24	7	7	3	7	2	5	55
Leather, hides, brushes, and feathers	10	2	1	1	1	1	2	18
Textiles	26	8	8	1	2		3	43
Paper hanging and upholstering	1							1
Wearing apparel and millinery	15	5	1	2	1		1	25
Paper	2	1						3
Food preparations	9							9
Chemical products	3		1					4
Building trades	40	2						42
Printing and publishing	10	1	1		1			13
Power, heat, and light stations	1							1
Commerce	1							1
Transportation	2							2
Other industries	1							1
Total	193	35	18	10	15	6	17	294

In presenting the strikes by causes, the cause and not the strike is made the unit, and the tabulations, therefore, show the number of times that each cause figured as an incentive to a strike, regardless of the actual number of strikes. Thus, in 1896 there were 294 strikes reported, but 354 causes were enumerated. The following table shows the causes of strikes, by industries:

CAUSES OF STRIKES IN 1896, BY INDUSTRIES.

Causes.	Stone, glass, china, and earth- en ware.	Metal and metal- lic goods.	Ma- chin- ery and instru- ments.	Wood- on and caout- chouc goods.	Leath- er, hides, brush- es, and feath- ers.	Text- iles.	Wear- ing appar- el and milli- nery.	Food prep- ara- tions.	Build- ing trades.	Print- ing and pub- lish- ing.	Other in- dus- tries.	To- tal.
Against reduction of wages	5	5	2	5		3	2		4		1	27
For increase of wages	15	9	6	23	11	14	15	4	28	7	5	137
For regularity or change in method of payment				1		2	1		3		1	8
Against increase of hours or abolition of recesses			1	1		4			1			7
For reduction of hours	3	5	3	20	5	5	3	2	15	4	1	66
For discharge of foremen		6	1	1	1	5	2		2	1	2	21
Against obnoxious treatment	1	1							1		2	5
Against discharge of employees	5	7	2	7	3	7	4	1			3	39
In sympathy with strikes elsewhere			2	1	3	1	1			1		9
Against obnoxious rules	2	3				4		1	1		1	12
For discharge of employees		1	1	2	2	1			1	1	1	10
Other causes	2		1	2		3	1	1	1	1	1	13
Total	33	39	18	65	23	49	28	9	57	15	18	354

The most prevalent cause of strikes in 1896 was the demand for increase of wages, being 137, or 38.70 per cent of all causes. Next in importance was the demand for reduction of hours, 66, or 18.64 per cent of all, being due to this cause.

The following table shows the degree of success or failure of the strikes in 1896, classified according to industries:

RESULTS OF STRIKES IN 1896, BY INDUSTRIES.

Industries.	Succeeded.		Succeeded partly.		Failed.		Total.	
	Strikes.	Strik-ers.	Strikes.	Strik-ers.	Strikes.	Strik-ers.	Strikes.	Strik-ers.
Stone, glass, china, and earthen ware.....	6	171	14	2,634	9	412	29	3,217
Metal and metallic goods.....	10	583	9	1,614	14	776	33	2,973
Machinery and instruments.....	2	33	2	743	10	1,282	14	2,058
Wooden and caoutchouc goods.....	15	745	20	4,495	20	732	55	5,972
Leather, hides, brushes, and feather-ers.....	4	176	10	487	4	91	18	754
Textiles.....	9	420	19	5,840	15	3,531	43	9,791
Paper hanging and upholstering.....					1	37	1	37
Wearing apparel and millinery.....	3	122	10	1,137	12	1,304	25	2,563
Paper.....			2	1,377	1	7	3	1,384
Food preparations.....			1	208	8	148	9	356
Chemical products.....	1	11	2	788	1	76	4	875
Building trades.....	9	674	13	2,734	20	2,026	42	5,434
Printing and publishing.....	4	66	4	241	5	67	13	374
Power, heat, and light stations.....			1	16			1	16
Commerce.....					1	9	1	9
Transportation.....	1	45			1	20	2	65
Other industries.....					1	236	1	236
Total.....	64	3,046	107	22,314	123	10,754	294	36,114

Of the strikes in 1896, 64 were successful, 107 were partially successful, and 123 were failures. Of the strikers, 3,046 succeeded, 22,314 succeeded partly, and 10,754 failed.

LOCKOUTS.—During the year 1896 lockouts were reported in 211 establishments, employing 6,847 persons, of whom 5,445 were locked out. The prevailing cause of lockouts was the observance of Labor Day (May 1) by employees. Of the 5,445 employees locked out, 4,589 were reemployed, 720 were dismissed, and the others failed to return.

GREAT BRITAIN.

Report on Changes in the Employment of Women and Girls in Industrial Centers. Part I, Flax and Jute Centers. 1898. iv, 113 pp. (Published by the Labor Department of the British Board of Trade.)

This report was prepared by Miss Collet, one of the labor correspondents of the labor department of the British Board of Trade. It is intended as a continuation of the Report on the Statistics of Employment of Women, published in 1895, and which was reviewed in Bulletin No. 1. The aim of this work has been to bring together in convenient form the most important information regarding the conditions of labor of women and girls at various periods of the present century which is contained in official reports, and to supplement this informa-

tion by fresh inquiry with reference to special points. The sources of information which were most utilized in this volume were the reports of the commissioners and assistant commissioners on the employment of children in factories in 1833, the reports of the commissioners and assistant commissioners on hand-loom weavers in 1838, the factory returns published at intervals from 1835 to 1897, the wages returns of the Board of Trade, and the census reports. In addition, statistics of wages in Dundee in 1896 and in Belfast in 1897 were obtained for the purpose of comparison with wages in those cities in 1833.

The discussion in the present volume relates to the flax and jute industries in the East of Scotland and the flax industry in the North of Ireland and in Yorkshire, England. It is intended to assist in the further study of women's employment, and throws much light upon the questions of the transition from the domestic to the factory system of industry, married women's labor, and the relation of women's and men's work, both as regards character and remuneration at various periods. The principal changes regarding women's employment dealt with in this report are: (1) Changes in organization, with special reference to the different ways in which men and women were affected; (2) changes in wages; (3) changes in the relative numbers of men and women in the industries and in the districts; (4) changes in the extent of employment of married women; (5) changes in occupation.

The following table, arranged from the appendix, shows the extent of employment in the flax and jute industries, by sex and certain age periods, at various times from 1835 to 1895, the tables in the appendix being compiled from the British Factory Returns:

EMPLOYEES IN FLAX AND JUTE FACTORIES IN SCOTLAND, 1835 TO 1895.

Year.	Males.				Females.				Total both sexes.
	Under 13 years. (a)	13 years and under 18.	18 years and over.	Total.	Under 13 years. (a)	13 years and under 18.	18 years and over.	Total.	
1835	713	1,129	1,550	3,392	1,093	3,064	5,860	10,017	13,409
1839	101	2,277	2,356	4,734	142	5,109	7,912	13,163	17,897
1847	109	1,973	3,465	5,547	290	4,253	11,234	15,783	21,330
1850	61	2,949	4,773	7,783	218	(b)	c20,511	20,529	28,312
1856	118	3,174	5,039	8,331	308	(b)	c23,083	23,391	31,723
1862	328	3,446	6,709	10,573	627	(b)	c37,817	28,444	39,017
1868	699	4,249	9,006	13,954	1,182	(b)	c37,011	38,193	52,147
1870	837	5,535	10,926	17,298	1,707	(b)	c45,823	47,530	64,828
1874	2,648	6,415	13,232	22,295	3,093	(b)	c50,721	54,414	76,709
1878	2,273	4,686	11,948	18,907	3,397	(b)	c45,573	48,970	67,877
1885	3,182	4,980	14,338	22,500	4,066	(b)	c48,789	52,855	75,355
1890	2,260	5,494	14,806	22,560	2,601	(b)	c48,946	51,547	74,107
1895	1,754	5,044	15,372	22,170	1,905	10,002	40,544	52,451	74,621

a Including half-timers over 13 years of age.

b Included with those 18 years of age and over.

c Including those 13 years of age and under 18 years.

EMPLOYEES IN FLAX FACTORIES IN IRELAND, 1835 TO 1895.

Year.	Males.				Females.				Total both sexes.
	Under 13 years. (a)	13 years and under 18.	18 years and over.	Total.	Under 13 years. (a)	13 years and under 18.	18 years and over.	Total.	
1835	126	390	463	989	214	1,308	1,171	2,693	3,681
1839	18	1,397	1,866	2,781	80	3,113	3,037	6,236	9,017
1847	9	2,458	3,128	5,585	27	4,235	7,231	11,493	17,088
1850	7	3,024	3,868	6,899	31	(b)	c14,191	14,222	21,121
1856	53	3,844	5,053	8,949	61	(b)	c19,743	19,804	28,753
1862	220	3,701	5,966	9,953	442	(b)	c23,130	23,572	33,525
1868	343	5,812	10,627	16,782	1,031	(b)	c39,237	40,268	57,050
1870	472	5,569	11,307	17,339	1,129	(b)	c36,571	37,700	55,039
1874	1,380	5,960	10,983	18,323	2,175	(b)	c30,818	31,993	50,316
1878	1,577	4,588	10,871	17,036	2,397	(b)	c38,909	39,306	56,342
1885	2,088	4,370	11,911	18,369	3,294	(b)	c40,086	43,380	61,749
1890	2,450	4,791	13,181	20,422	3,406	(b)	c40,047	44,053	64,475
1895	2,067	4,748	14,473	21,288	2,615	7,652	34,558	44,825	66,113

EMPLOYEES IN FLAX FACTORIES IN ENGLAND, 1835 TO 1895.

1835	1,441	1,770	2,341	5,552	1,510	3,741	3,890	9,061	14,633
1839	812	2,279	2,287	5,378	608	4,982	5,005	11,195	16,573
1847	830	2,385	3,837	7,058	752	4,517	7,513	12,782	19,810
1850	739	2,039	3,357	6,135	525	(b)	c12,341	12,866	19,001
1856	683	1,932	2,551	5,166	584	(b)	c13,087	13,671	19,787
1862	880	1,383	3,651	5,920	1,108	(b)	c13,277	14,385	20,305
1868	971	1,730	4,371	7,072	976	(b)	c13,811	14,787	21,859
1870	992	1,744	4,796	7,592	728	(b)	c11,880	12,614	19,816
1874	844	1,380	4,632	6,856	1,245	(b)	c14,226	15,471	22,327
1878	562	808	3,442	4,812	703	(b)	c9,473	10,176	14,988
1885	193	604	2,760	3,563	225	(b)	c7,214	7,439	11,002
1890	147	510	2,193	2,850	130	(b)	c5,856	6,036	8,886
1895	59	483	2,104	2,706	71	1,264	3,857	5,192	7,896

a Including half-timers over 13 years of age.

b Included with those 13 years of age and over.

c Including those 13 years of age and under 18 years.

As to the changes in employment that have taken place in the flax and jute industries, it was found that in Dundee, Scotland, the domestic system under which linen weavers worked in 1833 was gradually abolished by the introduction of the power loom. With the advent of the latter, the male weavers were very largely replaced by women. In the weaving factories, from the very first, the work was done by women, and there was no displacement of men within the factories. In Belfast the power loom made its way more slowly. Men were employed to some extent on these looms as well as women, probably the more readily because the factory system prevailed among the linen weavers before the introduction of the power loom.

Under the hand-loom system, when both men and women worked the loom, there seems to have been no question of difference of payment for the same work. The women did a lighter kind of work than able-bodied men, and were paid the same rate as "old men and boys." Women and girls rarely owned their looms, and their fathers and husbands usually drew their wages under the domestic system. Since then women's wages in the textile industries in Dundee and Belfast have risen much more in proportion than men's wages in the same industries.

Some of the changes in the rates of wages of women as compared with those of men since 1833 may be seen in the following table:

AVERAGE WEEKLY WAGES OF SPINNING-MILL OPERATIVES IN FLAX AND JUTE INDUSTRIES, 1833, 1896, AND 1897.

Sex and age period.	Flax, Scotland, 1833.		Flax and jute, Dundee, 1896.		Flax, Belfast, 1833.		Flax, Belfast, 1897.	
	Aver- age wages.	Aver- age age.	Aver- age wages.	Aver- age age.	Aver- age wages.	Aver- age age.	Aver- age wages.	Aver- age age.
MALES.								
Under 11 years	a \$0.69	9.7			a \$0.53	9.8		
11 and under 13 years	a .81	11.5	b \$0.83	12.5	a .53	11.6	b \$0.73	12.0
13 and under 18 years	1.10	14.4	2.07	15.0	.77	14.2	1.80	16.2
18 and under 25 years	2.66	20.7	3.12	19.6	3.08	21.7	2.98	20.7
25 years or over	3.45	40.3	4.06	(c)	3.41	34.5	6.12	38.7
FEMALES.								
Under 11 years	a .59	9.7			a .47	9.9		
11 and under 13 years	a .83	11.6	b .75	12.5	a .59	11.6	b .79	12.0
13 and under 18 years	1.18	15.1	2.15	15.5	.79	14.9	1.70	15.9
18 and under 25 years	1.42	20.3	2.70	21.6	1.05	19.6	2.09	20.8
25 years or over	1.32	34.5	2.51	(c)	1.07	29.2	2.13	36.0

a Payment for full time.

b Payment for half time.

c Not reported.

A comparison of the Dundee returns for 1896 and those of Belfast for 1897 with the returns for 1833 shows a striking improvement of women's over girls' work. The wages of children also show a marked improvement. Children working half time in 1896 and 1897 earned more than when working full time in 1833.

Rates of wages were at their maximum in Dundee and Belfast in 1873, and at their minimum since that period, in 1886. In 1896, in the Dundee spinning mills the rates of wages were 20 per cent, and in Belfast about 10 per cent, above the rates of 1886. Fluctuations in wages were much more frequent in the jute and flax industries in Dundee than in the flax industry in Belfast. In the former since June, 1873, there were over twenty general changes in wages, while in Belfast since 1871 there were only seven general changes.

The following special circumstances with regard to Dundee are noted in the conclusion of this report: An unceasing immigration of women and girls into Dundee, and an emigration of men from that place, resulting in an abnormal disproportion of the sexes over 20 years of age, women being to men in the ratio of 3 to 2; a high proportion of married women earning wages in the mills; an increase in the percentage of married women. In Belfast, although the average earnings were reported to be lower, the social condition of women in the industrial class appeared to be more satisfactory than in Dundee. The percentage of women occupied in Belfast was found to be much lower than in Dundee, and it was not increasing. The disproportion of the sexes was not so great, and was diminishing. There was a greater variety of employment for women, and there were more openings for skilled workmen.

DECISIONS OF COURTS AFFECTING LABOR.

[This subject, begun in Bulletin No. 2, has been continued in successive issues. All material parts of the decisions are reproduced in the words of the courts, indicated when short by quotation marks and when long by being printed solid. In order to save space, immaterial matter, needed simply by way of explanation, is given in the words of the editorial reviser.]

DECISIONS UNDER STATUTORY LAW.

CONSTITUTIONALITY OF STATUTE—EIGHT-HOUR LAW—*Holden v. Hardy, sheriff, 18 Supreme Court Reporter, page 383.*—This case came before the United States Supreme Court upon writs of error to review two judgments of the supreme court of the State of Utah denying applications of the plaintiff in error, Holden, for his discharge upon two writs of habeas corpus, and remanding him to the custody of the sheriff of Salt Lake County. The United States Supreme Court rendered its decision February 28, 1898, and affirmed the judgments of the State court.

The facts in the first case were substantially as follows: On June 20, 1896, complaint was made to a justice of the peace of Salt Lake City that the petitioner, Holden, had unlawfully employed "one John Anderson to work and labor as a miner in the underground workings of the Old Jordan mine, in Bingham canyon, in the county aforesaid, for the period of 10 hours each day; and said defendant, on the date aforesaid and continuously since said time, has unlawfully required said John Anderson, under and by virtue of said employment, to work and labor in the underground workings of the mine aforesaid for the period of 10 hours each day, and that said employment was not in case of an emergency, or where life or property was in imminent danger, contrary," etc.

Defendant Holden, having been arrested upon a warrant issued upon said complaint, admitted the facts set forth therein, but said he was not guilty, because he is a native-born citizen of the United States, residing in the State of Utah; that the said John Anderson voluntarily engaged his services for the hours per day alleged, and that the facts charged did not constitute a crime, because the act of the State of Utah which creates and defines the supposed offense is repugnant to the Constitution of the United States in these respects:

It deprives the defendant and all employers and employees of the right to make contracts in a lawful way, and for lawful purposes.

It is class legislation, and not equal or uniform in its provisions.

It deprives the defendant and employers and employees of the equal protection of the laws, abridges the privileges and immunities of the defendant as a citizen of the United States, and deprives him of his property and liberty without due process of law.

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This case involves the constitutionality of an act of the legislature of Utah, entitled "An act regulating the hours of employment in underground mines and in smelters and ore-reduction works." The following are the material provisions:

SECTION 1. The period of employment of workingmen in all underground mines or workings shall be 8 hours per day, except in cases of emergency where life or property is in imminent danger.

SECTION 2. The period of employment of workingmen in smelters and ore-reduction works shall be 8 hours per day, except in cases of emergency where life or property is in imminent danger.

SECTION 3. Any person, body corporate, agent, manager, or employer, who shall violate any of the provisions of sections one and two of this act shall be guilty of a misdemeanor."

The supreme court of Utah was of opinion that, if authority in the enactment of the statute in question, it was found in that part of article 16 of the constitution of the State which declared that "the legislature shall pass laws to provide for the health and safety of employees in factories, smelters, and mines." As the article deals exclusively with the rights of labor, it is here reproduced in full, as exhibiting the authority under which the legislature acted, and as throwing light upon its intention in enacting the statute in question (Laws 1896, p. 219):

SECTION 1. The rights of labor shall have just protection through laws calculated to promote the industrial welfare of the State.

SECTION 2. The legislature shall provide by law for a board of labor, conciliation, and arbitration, which shall fairly represent the interests of both capital and labor. The board shall perform duties and receive compensation as prescribed by law.

SECTION 3. The legislature shall prohibit:

The employment of women, or of children under the age of 14 in underground mines.

The contracting of convict labor.

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the labor of convicts outside prison grounds, except on public works under the direct control of the State.

political and commercial control of employees.

The exchange of blacklists by railroad companies, or other corporations, associations, or persons is prohibited.

6. The right of action to recover damages for injuries resulting from death shall never be abrogated, and the amount recoverable shall not be subject to any statutory limitation.

SEC. 6. Eight hours shall constitute a day's work on all works or undertakings carried on or aided by the State, county, or municipal governments; and the legislature shall pass laws to provide for the health and safety of employees in factories, smelters, and mines.

"SEC. 7. The legislature, by appropriate legislation, shall provide for the enforcement of the provisions of this article."

The validity of the statute in question is, however, challenged upon the ground of an alleged violation of the fourteenth amendment to the Constitution of the United States, in that it abridges the privileges or immunities of citizens of the United States, deprives both the employer and the laborer of his property without due process of law, and denies to them the equal protection of the laws. As the three questions of abridging their immunities, depriving them of their property, and denying them the protection of the laws, are so connected that the authorities upon each are, to a greater or less extent, pertinent to the others, they may properly be considered together.

Prior to the adoption of the fourteenth amendment, there was a similar provision against deprivation of life, liberty, or property without due process of law incorporated in the fifth amendment; but as the first eight amendments to the Constitution were obligatory only upon Congress, the decisions of this court under this amendment have but a partial application to the fourteenth amendment, which operates only upon the action of the several States. The fourteenth amendment, which was finally adopted July 28, 1868, largely expanded the power of the Federal courts and Congress, and for the first time authorized the former to declare invalid all laws and judicial decisions of the States abridging the rights of citizens or denying them the benefit of due process of law.

This amendment was first called to the attention of this court in 1872, in an attack upon the constitutionality of a law of the State of Louisiana, passed in 1869, vesting in a slaughterhouse company therein named the sole and exclusive privilege of conducting and carrying on a live-stock landing and slaughterhouse business within certain limits specified in the act, and requiring all animals intended for sale and slaughter to be landed at their wharves or landing places. (Slaughterhouse cases, 16 Wall., 36.) While the court in that case recognized the fact that the primary object of this amendment was to secure to the colored race, then recently emancipated, the full enjoyment of their freedom, the further fact that it was not restricted to that purpose was admitted both in the prevailing and dissenting opinions, and the validity of the act was sustained as a proper police regulation for the health and comfort of the people. A majority of the cases which have since arisen have turned, not upon a denial to the colored race of rights therein secured to them, but upon alleged discriminations in matters entirely outside of the political relations of the parties aggrieved.

These cases may be divided, generally, into two classes: First, where a State legislature or a State court is alleged to have unjustly discriminated in favor of or against a particular individual or class of individ-

The court, having heard the evidence, found the defendant guilty as charged in the complaint, imposed a fine of \$50 and costs, and ordered that the defendant be imprisoned in the county jail for a term of 57 days, or until such fine and costs be paid.

Thereupon petitioner sued out a writ of habeas corpus from the supreme court of the State, annexing a copy of the proceedings before the justice of the peace, and praying his discharge. The supreme court denied his application and remanded him to the custody of the sheriff, whereupon he sued out this writ of error, assigning the unconstitutionality of the law.

In the second case the complaint alleged the unlawful employment by Holden of one William Hooley to work and labor in a certain concentrating mill—the same being an institution for the reduction of ores—for the period of 12 hours per day. The proceedings in this case were precisely the same as in the prior case, and it was admitted that there was no distinction in principle between the two cases.

Mr. Justice Brown, after stating the facts, delivered the following opinion of the court:

This case involves the constitutionality of an act of the legislature of Utah, entitled "An act regulating the hours of employment in underground mines and in smelters and ore-reduction works." The following are the material provisions:

"SECTION 1. The period of employment of workingmen in all underground mines or workings shall be 8 hours per day, except in cases of emergency where life or property is in imminent danger.

"SEC. 2. The period of employment of workingmen in smelters and all other institutions for the reduction or refining of ores or metals shall be 8 hours per day, except in cases of emergency where life or property is in imminent danger.

"SEC. 3. Any person, body corporate, agent, manager, or employer, who shall violate any of the provisions of sections one and two of this act shall be guilty of a misdemeanor."

The supreme court of Utah was of opinion that, if authority in the legislature were needed for the enactment of the statute in question, it was found in that part of article 16 of the constitution of the State which declared that "the legislature shall pass laws to provide for the health and safety of employees in factories, smelters, and mines." As the article deals exclusively with the rights of labor, it is here reproduced in full, as exhibiting the authority under which the legislature acted, and as throwing light upon its intention in enacting the statute in question (Laws 1896, p. 219):

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"SEC. 3. The legislature shall prohibit:

"(1) The employment of women, or of children under the age of 14 years, in underground mines.

"(2) The contracting of convict labor.

"(3) The labor of convicts outside prison grounds, except on public works under the direct control of the State.

"(4) The political and commercial control of employees.

"SEC. 4. The exchange of blacklists by railroad companies, or other corporations, associations, or persons is prohibited.

"SEC. 5. The right of action to recover damages for injuries resulting in death shall never be abrogated, and the amount recoverable shall not be subject to any statutory limitation.

"SEC. 6. Eight hours shall constitute a day's work on all works or undertakings carried on or aided by the State, county, or municipal governments; and the legislature shall pass laws to provide for the health and safety of employees in factories, smelters, and mines.

"SEC. 7. The legislature, by appropriate legislation, shall provide for the enforcement of the provisions of this article."

The validity of the statute in question is, however, challenged upon the ground of an alleged violation of the fourteenth amendment to the Constitution of the United States, in that it abridges the privileges or immunities of citizens of the United States, deprives both the employer and the laborer of his property without due process of law, and denies to them the equal protection of the laws. As the three questions of abridging their immunities, depriving them of their property, and denying them the protection of the laws, are so connected that the authorities upon each are, to a greater or less extent, pertinent to the others, they may properly be considered together.

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This amendment was first called to the attention of this court in 1872, in an attack upon the constitutionality of a law of the State of Louisiana, passed in 1869, vesting in a slaughterhouse company therein named the sole and exclusive privilege of conducting and carrying on a live-stock landing and slaughterhouse business within certain limits specified in the act, and requiring all animals intended for sale and slaughter to be landed at their wharves or landing places. (Slaughterhouse cases, 16 Wall., 36.) While the court in that case recognized the fact that the primary object of this amendment was to secure to the colored race, then recently emancipated, the full enjoyment of their freedom, the further fact that it was not restricted to that purpose was admitted both in the prevailing and dissenting opinions, and the validity of the act was sustained as a proper police regulation for the health and comfort of the people. A majority of the cases which have since arisen have turned, not upon a denial to the colored race of rights therein secured to them, but upon alleged discriminations in matters entirely outside of the political relations of the parties aggrieved.

These cases may be divided, generally, into two classes: First, where a State legislature or a State court is alleged to have unjustly discriminated in favor of or against a particular individual or class of individ-

nals, as distinguished from the rest of the community, or denied them the benefit of due process of law; second, where the legislature has changed its general system of jurisprudence by abolishing what had been previously considered necessary to the proper administration of justice, or the protection of the individual.

Among those of the first class, which, for the sake of brevity, may be termed "unjust discriminations," are those wherein the colored race was alleged to have been denied the right of representation upon juries (*Strauder v. West Virginia*, 100 U. S., 303; *Virginia v. Rives, Id.*, 313; *Ex parte Virginia, Id.*, 339; *Neal v. Delaware*, 103 U. S., 370; *Bush v. Kentucky*, 107 U. S., 110, 1 Sup. Ct., 625; *Gibson v. Mississippi*, 162 U. S., 565, 16 Sup. Ct., 904), as well as those wherein the State was charged with oppressing and unduly discriminating against persons of the Chinese race (*Barbier v. Connolly*, 113 U. S., 27, 5 Sup. Ct., 357; *Soon Hing v. Crowley*, 113 U. S., 703, 5 Sup. Ct., 730; *Yick Wo v. Hopkins*, 118 U. S., 356, 6 Sup. Ct., 1064; *Chy Lung v. Freeman*, 92 U. S., 275), and those wherein it was sought, under this amendment, to enforce the right of women to suffrage, and to admission to the learned professions (*Minor v. Happersett*, 21 Wall., 162; *Bradwell v. State*, 16 Wall., 130).

To this class is also referable all those cases wherein the State courts were alleged to have denied to particular individuals the benefit of due process of law secured to them by the statutes of the State (*In re Converse*, 137 U. S., 624, 11 Sup. Ct., 191; *Arrowsmith v. Harmoning*, 118 U. S., 194, 6 Sup. Ct., 1023), as well as that other large class, to be more specifically mentioned hereafter, wherein the State legislature was charged with having transcended its proper police power in assuming to legislate for the health or morals of the community.

Cases arising under the second class, wherein a State has chosen to change its methods of trial to meet a popular demand for simpler and more expeditious forms of administering justice, are much less numerous, though of even greater importance, than the others. A reference to a few of these cases may not be inappropriate in this connection. Thus, in *Walker v. Sauvinet*, 92 U. S., 90, which was an action brought by a colored man against the keeper of a coffeehouse in New Orleans for refusing him refreshments, in violation of the constitution of the State securing to the colored race equal rights and privileges in such cases, a statute of the State provided that such cases should be tried by jury if either party demanded it, but if the jury failed to agree the case should be submitted to the judge, who should decide the same. It was held that a trial by jury was not a privilege or immunity of citizenship which the States were forbidden to abridge, but the requirement of due process of law was met if the trial was had according to the settled course of judicial proceedings. "Due process of law," said Chief Justice Waite, "is process due according to the law of the land. This process in the States is regulated by the law of the State." This law was held not to be in conflict with the Constitution of the United States.

Similar rulings with regard to the necessity of a jury or of a judicial trial in special proceedings were made in *Kenard v. Louisiana*, 92 U. S., 480; *McMillan v. Anderson*, 95 U. S., 37; *Davidson v. New Orleans*, 96 U. S., 97; *Walston v. Nevin*, 128 U. S., 578, 9 Sup. Ct., 192; *Ex parte Wall*, 107 U. S., 265, 2 Sup. Ct., 569.

In *Hurtado v. California*, 110 U. S., 516, 4 Sup. Ct., 111, 292, it was held that due process of law did not necessarily require an indictment by a grand jury in a prosecution by a State for murder. The constitution of California authorized prosecutions for felonies by information,

after examination and commitment by a magistrate, without an indictment by a grand jury, in the discretion of the legislature. It was held that conviction upon such an information, followed by sentence of death, was not illegal under the fourteenth amendment.

In *Hayes v. Missouri*, 120 U. S., 68, 7 Sup. Ct., 350, it was held that a statute of a State which provided that, in capital cases, in cities having a population of over 100,000 inhabitants, the State shall be allowed 15 peremptory challenges to jurors, while elsewhere in the State it was allowed only 8 peremptory challenges, did not deny to a person tried for murder, in a city containing over 100,000 inhabitants, the equal protection of the laws enjoined by the fourteenth amendment, and that there was no error in refusing to limit the State's peremptory challenges to 8.

In *Railway Co. v. Mackey*, 127 U. S., 205, 8 Sup. Ct., 1161, it was said that a statute in Kansas abolishing the fellow-servant doctrine, as applied to railway accidents, did not deny to railroads the equal protection of the laws, and was not in conflict with the fourteenth amendment. The same ruling was made with reference to statutes requiring railways to erect and maintain fences and cattle guards, and make them liable in double the amount of damages claimed, for the want of them.

In *Hallinger v. Davis*, 146 U. S., 314, 13 Sup. Ct., 105, it was held that a State statute conferring upon an accused person the right to waive a trial by jury, and to elect to be tried by the court, and conferring power upon the court to try the accused in such case, was not a violation of the due-process clause of the fourteenth amendment.

So, in *re Kemmler*, 136 U. S., 436, 10 Sup. Ct., 930, it was held that the law providing for capital punishment by electricity was not repugnant to this amendment. And in *Duncan v. Missouri*, 152 U. S., 377, 14 Sup. Ct., 570, it was said that the prescribing of different modes of procedure, and the abolition of courts, and the creation of new ones, leaving untouched all the substantial protection with which the existing law surrounds persons accused of crime, are not considered within the constitutional inhibition. (See, also, *Medley*, Petitioner, 134 U. S., 160, 10 Sup. Ct., 384; *Holden v. Minnesota*, 137 U. S., 484, 11 Sup. Ct., 143.)

An examination of both these classes of cases under the fourteenth amendment will demonstrate that, in passing upon the validity of State legislation under that amendment, this court has not failed to recognize the fact that the law is, to a certain extent, a progressive science; that in some of the States methods of procedure which, at the time the Constitution was adopted, were deemed essential to the protection and safety of the people, or to the liberty of the citizen, have been found to be no longer necessary; that restrictions which had formerly been laid upon the conduct of individuals, or of classes of individuals, had proved detrimental to their interests, while, upon the other hand, certain other classes of persons (particularly those engaged in dangerous or unhealthy employments) have been found to be in need of additional protection. Even before the adoption of the Constitution much had been done toward mitigating the severity of the common law, particularly in the administration of its criminal branch. The number of capital crimes in this country, at least, had been largely decreased. Trial by ordeal and by battle had never existed here, and had fallen into disuse in England. The earlier practice of the common law, which denied the benefit of witnesses to a person accused of felony, had been abolished by statute, though, so far as it deprived him of the assistance of counsel and compulsory process for the attendance of his witnesses, it had not

been changed in England. But, to the credit of her American colonies, let it be said that so oppressive a doctrine had never obtained a foothold there.

The present century has originated legal reforms of no less importance. The whole fabric of special pleading, once thought to be necessary to the elimination of the real issue between the parties, has crumbled to pieces. The ancient tenures of real estate have been largely swept away, and land is now transferred almost as easily and cheaply as personal property. Married women have been emancipated from the control of their husbands and placed upon a practical equality with them with respect to the acquisition, possession, and transmission of property. Imprisonment for debt has been abolished. Exemptions from execution have been largely added to, and in most of the States homesteads are rendered incapable of seizure and sale upon forced process. Witnesses are no longer incompetent by reason of interest, even though they be parties to the litigation. Indictments have been simplified, and an indictment for the most serious of crimes is now the simplest of all. In several of the States grand juries, formerly the only safeguard against a malicious prosecution, have been largely abolished, and in others the rule of unanimity, so far as applied to civil cases, has given way to verdicts rendered by a three-fourths majority. This case does not call for an expression of opinion as to the wisdom of these changes, or their validity under the fourteenth amendment, although the substitution of prosecution by information in lieu of indictment was recognized as valid in *Hurtado v. California*, 110 U. S., 516, 4 Sup. Ct., 111, 292. They are mentioned only for the purpose of calling attention to the probability that other changes of no less importance may be made in the future, and that, while the cardinal principles of justice are immutable, the methods by which justice is administered are subject to constant fluctuation, and that the Constitution of the United States, which is necessarily and to a large extent inflexible, and exceedingly difficult of amendment, should not be so construed as to deprive the States of the power to so amend their laws as to make them conform to the wishes of the citizens, as they may deem best for the public welfare, without bringing them into conflict with the supreme law of the land.

Of course, it is impossible to forecast the character or extent of these changes; but in view of the fact that, from the day Magna Charta was signed to the present moment, amendments to the structure of the law have been made with increasing frequency, it is impossible to suppose that they will not continue, and the law be forced to adapt itself to new conditions of society, and particularly to the new relations between employers and employees, as they arise.

Similar views have been heretofore expressed by this court. Thus, in the case of *Missouri v. Lewis*, 101 U. S., 22, 31, it was said by Mr. Justice Bradley: "We might go still further, and say, with undoubted truth, that there is nothing in the Constitution to prevent any State from adopting any system of laws or judicature it sees fit for all or any part of its territory. If the State of New York, for example, should see fit to adopt the civil law and its method of procedure for New York city and the surrounding counties, and the common law and its methods of procedure for the rest of the State, there is nothing in the Constitution of the United States to prevent its doing so. This would not, of itself, within the meaning of the fourteenth amendment, be a denial to any person of the equal protection of the laws. * * * The fourteenth amendment does not profess to secure to all persons in the United States the benefit of the same laws and the same remedies. Great

diversities in these respects may exist in two States separated only by an imaginary line. On one side of this line there may be a right of trial by jury, and on the other no such right. Each State prescribes its own modes of judicial proceeding. If diversities of laws and judicial proceedings may exist in the several States without violating the equality clause in the fourteenth amendment, there is no solid reason why there may not be such diversities in different parts of the same State."

The same subject was also elaborately discussed by Mr. Justice Matthews in delivering the opinion of this court in *Hurtado v. California*, 110 U. S., 516, 530, 4 Sup. Ct., 118: "This flexibility and capacity for growth is the peculiar boast and excellence of the common law. * * * The Constitution of the United States was ordained, it is true, by descendants of Englishmen, who inherited the traditions of English law and history; but it was made for an undefined and expanding future, and for a people gathered and to be gathered from many nations, and of many tongues. And, while we take just pride in the principles and institutions of common law, we are not to forget that, in lands where other systems of jurisprudence prevail, the ideas and processes of civil justice are also not unknown. Due process of law, in spite of the absolutism of continental governments, is not alien to that code which survived the Roman Empire as the foundation of modern civilization in Europe, and which has given us that fundamental maxim of distributive justice—'Suum cuique tribuere.' There is nothing in Magna Charta, rightly construed as a broad charter of public right and law, which ought to exclude the best ideas of all systems and of every age; and, as it was the characteristic principle of the common law to draw its inspiration from every fountain of justice, we are not to assume that the sources of its supply have been exhausted. On the contrary, we should expect that the new and various experiences of our own situation and system will mold and shape it into new, and not less useful, forms." We have seen no reason to doubt the soundness of these views. In the future growth of the nation, as heretofore, it is not impossible that Congress may see fit to annex territories whose jurisprudence is that of the civil law. One of the considerations moving to such annexation might be the very fact that the territory so annexed should enter the Union with its traditions, laws, and systems of administration unchanged. It would be a narrow construction of the Constitution to require them to abandon these, or to substitute for a system which represented the growth of generations of inhabitants a jurisprudence with which they had had no previous acquaintance or sympathy.

We do not wish, however, to be understood as holding that this power is unlimited. While the people of each State may doubtless adopt such systems of laws as best conform to their own traditions and customs, the people of the entire country have laid down in the Constitution of the United States certain fundamental principles, to which each member of the Union is bound to accede as a condition of its admission as a State. Thus the United States are bound to guarantee to each State a republican form of government, and the tenth section of the first article contains certain other specified limitations upon the power of the several States, the object of which was to secure to Congress paramount authority with respect to matters of universal concern. In addition, the fourteenth amendment contains a sweeping provision forbidding the States from abridging the privileges and immunities of citizens of the United States, and denying them the benefit of due process or equal protection of the laws.

This court has never attempted to define with precision the words "due process of law," nor is it necessary to do so in this case. It is sufficient to say that there are certain immutable principles of justice, which inhere in the very idea of free government, which no member of the Union may disregard, as that no man shall be condemned in his person or property without due notice, and an opportunity of being heard in his defense. What shall constitute due process of law was perhaps as well stated by Mr. Justice Curtis in *Murray's Lessees v. Land Co.*, 18 How., 272, 276, as anywhere. He said: "The Constitution contains no description of those processes which it was intended to allow or forbid. It does not even declare what principles are to be applied to ascertain whether it be due process. It is manifest that it was not left to the legislative power to enact any process which might be devised. The article is a restraint on the legislative as well as on the executive and judicial powers of the Government, and can not be so construed as to leave Congress free to make any process 'due process of law' by its mere will. To what principles, then, are we to resort to ascertain whether this process enacted by Congress is due process? To this the answer must be twofold: We must examine the Constitution itself to see whether this process be in conflict with any of its provisions. If not found to be so, we must look to those settled usages and modes of proceeding existing in the common and statute law of England before the emigration of our ancestors, and which are shown not to have been unsuited to their civil and political condition by having been acted on by them after the settlement of this country.

It was said by Mr. Justice Miller, in delivering the opinion of this court in *Davidson v. New Orleans*, 96 U. S., 97, that the words "law of the land," as used in Magna Charta, implied a conformity with the "ancient and customary laws of the English people," and that it was wiser to ascertain their intent and application by the "gradual process of judicial inclusion and exclusion as the cases presented for decision shall require, with the reasoning on which such decisions may be founded." Recognizing the difficulty in defining with exactness the phrase "due process of law," it is certain that these words imply a conformity with natural and inherent principles of justice, and forbid that one man's property, or right to property, shall be taken for the benefit of another, or for the benefit of the State, without compensation, and that no one shall be condemned in his person or property without an opportunity of being heard in his own defense.

As the possession of property, of which a person can not be deprived, doubtless implies that such property may be acquired, it is safe to say that a State law which undertakes to deprive any class of persons of the general power to acquire property would also be obnoxious to the same provision. Indeed, we may go a step further, and say that as property can only be legally acquired, as between living persons, by contract, a general prohibition against entering into contracts with respect to property, or having as their object the acquisition of property, would be equally invalid.

The latest utterance of this court upon this subject is contained in the case of *Allgeyer v. Louisiana*, 165 U. S., 578, 591, 17 Sup. Ct., 427, in which it was held that an act of Louisiana which prohibited individuals within the State from making contracts of insurance with corporations doing business in New York was a violation of the fourteenth amendment. In delivering the opinion of the court, Mr. Justice Peckham remarked: "In the privilege of pursuing an ordinary calling or trade, and of acquiring, holding, and selling property, must be embraced

the right to make all proper contracts in relation thereto; and, although it may be conceded that this right to contract in relation to persons or property, or to do business within the jurisdiction of the State, may be regulated, and sometimes prohibited, when the contracts or business conflict with the policy of the State as contained in its statutes, yet the power does not and can not extend to prohibiting a citizen from making contracts of the nature involved in this case, outside of the limits and jurisdiction of the State, and which are also to be performed outside of such jurisdiction."

This right of contract, however, is itself subject to certain limitations which the State may lawfully impose in the exercise of its police powers. While this power is inherent in all governments, it has doubtless been greatly expanded in its application during the past century, owing to an enormous increase in the number of occupations which are dangerous or so far detrimental to the health of employees as to demand special precautions for their well being and protection or the safety of adjacent property. While this court has held (notably in the cases of *New Orleans v. Davidson*, 95 U. S., 465, and *Yick Wo v. Hopkins*, 118 U. S., 356, 6 Sup. Ct., 1064) that the police power can not be put forward as an excuse for oppressive and unjust legislation, it may be lawfully resorted to for the purpose of preserving the public health, safety, or morals, or the abatement of public nuisances, and a large discretion "is necessarily vested in the legislature, to determine, not only what the interests of the public require, but what measures are necessary for the protection of such interests." (*Lawton v. Steele*, 152 U. S., 133, 136, 14 Sup. Ct., 499.)

The extent and limitations upon this power are admirably stated by Chief Justice Shaw in the following extract from his opinion in *Massachusetts v. Alger*, 7 Cush., 84: "We think it a settled policy, growing out of the nature of well-ordered civil society, that every holder of property, however absolute and unqualified his title, holds it under the implied liability that its use may be so regulated that it shall not be injurious to the equal enjoyment of others having an equal right to the enjoyment of their property, nor injurious to the rights of the community. All property in this Commonwealth, as well in the interior as that bordering on the tide waters, is derived directly or indirectly from the Government; and held subject to those general regulations which are necessary to the common good and general welfare. Rights of property, like all other social and conventional rights, are subject to such reasonable limitation in their enjoyment as will prevent them from being injurious, and to such reasonable restraints and regulations by law as the legislature, under the Government and controlling power vested in them by the Constitution, may think necessary and expedient."

This power, legitimately exercised, can neither be limited by contract nor bartered away by legislation.

While this power is necessarily inherent in every form of government, it was, prior to the adoption of the Constitution, but sparingly used in this country. As we were then almost purely an agricultural people, the occasion for any special protection of a particular class did not exist. Certain profitable employments, such as lotteries and the sale of intoxicating liquors, which were then considered to be legitimate, have since fallen under the ban of public opinion, and are now either altogether prohibited or made subject to stringent police regulations. The power to do this has been repeatedly affirmed by this court. (*Stone v. Mississippi*, 101 U. S., 814; *Douglas v. Kentucky*, 168, U. S., 488, 18 Sup. Ct., 199; *Giozza v. Tiernan*, 148 U. S., 657, 13 Sup. Ct., 721; *Kidd v. Pearson*,

128 U. S., 1, 9 Sup. Ct., 6; *Crowley v. Christensen*, 137 U. S., 86, 11 Sup. Ct., 13.)

While the business of mining coal and manufacturing iron began in Pennsylvania as early as 1716, and in Virginia, North Carolina, and Massachusetts even earlier than this, both mining and manufacturing were carried on in such a limited way, and by such primitive methods, that no special laws were considered necessary, prior to the adoption of the Constitution, for the protection of the operatives; but, in the vast proportions which these industries have since assumed, it has been found that they can no longer be carried on, with due regard to the safety and health of those engaged in them, without special protection against the dangers necessarily incident to these employments. In consequence of this, laws have been enacted in most of the States designed to meet these exigencies and to secure the safety of persons peculiarly exposed to these dangers. Within this general category are ordinances providing for fire escapes for hotels, theaters, factories, and other large buildings; a municipal inspection of boilers, and appliances designed to secure passengers upon railways and steamboats against the dangers necessarily incident to these methods of transportation. In States where manufacturing is carried on to a large extent provision is made for the protection of dangerous machinery against accidental contact; for the cleanliness and ventilation of working rooms; for the guarding of well holes, stairways, elevator shafts, and for the employment of sanitary appliances. In others, where mining is the principal industry, special provision is made for the shoring up of dangerous walls; for ventilation shafts, bore holes, escapement shafts, means of signaling the surface; for the supply of fresh air, and the elimination, as far as possible, of dangerous gases; for safe means of hoisting and lowering cages; for a limitation upon the number of persons permitted to enter a cage; that cages shall be covered; and that there shall be fences and gates around the top of shafts, besides other similar precautions. (Sand. & H. Dig. Ark., p. 1149; Rev. St. Cal., secs. 5045-5062; Supp. Mills' Ann. St. Colo., c. 85; Gen. St. Conn. 1888, secs. 2645-2647, 2263-2272; Rev. St. Ill. 1889, p. 980; Thornt. Ind. St. 1897, c. 98, p. 1652; 2 Gen. St. Kan. 1897, pp. 813-824; Ky. St. (Barbour & Carroll), c. 88, p. 951; Supp. Pub. St. Mass. 1889-1895, pp. 582, 746, 1163; How. Ann. St. Mich., sec. 9209b et seq.; 3 Gen. St. N. J., p. 1900 et seq.; 2 Rev. St. (Code & Gen. Laws N. Y.), p. 2069; Supp. Bright. Purd. Dig. Pa., p. 2241 et seq.)

These statutes have been repeatedly enforced by the courts of the several States; their validity assumed; and, so far as we are informed, they have been uniformly held to be constitutional.

In *Daniels v. Hilgard*, 77 Ill., 640, it was held that the legislature had power under the constitution to establish reasonable police regulations for the operating of mines and collieries, and that an act providing for the health and safety of persons employed in coal mines, which required the owner or agent of every coal mine or colliery employing 10 men or more to make, or cause to be made, an accurate map or plan of the workings of such coal mine or colliery was not unconstitutional, and that the question whether certain requirements are a part of a system of police regulations, adopted to aid in the protection of life and health, was properly one of legislative determination, and that a court should not lightly interfere with such determination, unless the legislature had manifestly transcended its province. (See also *Coal Co. v. Taylor*, 81 Ill., 590.)

In *Pennsylvania v. Bonnell*, 8 Phila., 534, a law providing for the

ventilation of coal mines, for speaking tubes, and the protection of cages was held to be constitutional and subject to strict enforcement. (*Pennsylvania v. Conyngham*, 66 Pa. St., 99; *Durant v. Coal Co.*, 97 Mo., 62.)

But if it be within the power of a legislature to adopt such means for the protection of the lives of its citizens, it is difficult to see why precautions may not also be adopted for the protection of their health and morals. It is as much for the interest of the State that the public health should be preserved as that life should be made secure. With this end in view, quarantine laws have been enacted in most, if not all, of the States; insane asylums, public hospitals, and institutions for the care and education of the blind established; and special measures taken for the exclusion of infected cattle, rags, and decayed fruit. In other States laws have been enacted limiting the hours during which women and children shall be employed in factories; and while their constitutionality, at least as applied to women, has been doubted in some of the States, they have been generally upheld. Thus, in the case of *Com. v. Hamilton Mfg. Co.*, 120 Mass., 383, it was held that a statute prohibiting the employment of all persons under the age of 18, and of all women laboring in any manufacturing establishment more than 60 hours per week, violates no contract of the Commonwealth implied in the granting of a charter to a manufacturing company, nor any right reserved under the constitution to any individual citizen, and may be maintained as a health or police regulation.

Upon the principles above stated we think the act in question may be sustained as a valid exercise of the police power of the State. The enactment does not profess to limit the hours of all workmen, but merely those who are employed in underground mines, or in the smelting, reduction, or refining of ores or metals. These employments, when too long pursued, the legislature has judged to be detrimental to the health of the employees; and, so long as there are reasonable grounds for believing that this is so, its decision upon this subject can not be reviewed by the Federal courts.

While the general experience of mankind may justify us in believing that men may engage in ordinary employments more than 8 hours per day without injury to their health, it does not follow that labor for the same length of time is innocuous when carried on beneath the surface of the earth, where the operative is deprived of fresh air and sunlight, and is frequently subjected to foul atmosphere and a very high temperature, or to the influence of noxious gases generated by the processes of refining or smelting.

We concur in the following observations of the supreme court of Utah in this connection: "The conditions with respect to health of laborers in underground mines doubtless differ from those in which they labor in smelters and other reduction works on the surface. Unquestionably, the atmosphere and other conditions in mines and reduction works differ. Poisonous gases, dust, and impalpable substances arise and float in the air in stamp mills, smelters, and other works in which ores containing metals, combined with arsenic or other poisonous elements or agencies, are treated, reduced, and refined, and there can be no doubt that prolonged effort, day after day, subject to such conditions and agencies, will produce morbid, noxious, and often deadly effects in the human system. Some organisms and systems will resist and endure such conditions and effects longer than others. It may be said that labor in such conditions must be performed. Granting that, the period of labor each day should be of a reasonable length.

Twelve hours per day would be less injurious than 14, 10 than 12, and 8 than 10. The legislature has named 8. Such a period was deemed reasonable. * * * The law in question is confined to the protection of that class of people engaged in labor in underground mines, and in smelters and other works wherein ores are reduced and refined. This law applies only to the classes subjected by their employment to the peculiar conditions and effects attending underground mining and work in smelters, and other works for the reduction and refining of ores. Therefore it is not necessary to discuss or decide whether the legislature can fix the hours of labor in other employments. Though reasonable doubts may exist as to the power of the legislature to pass a law, or as to whether the law is calculated or adapted to promote the health, safety, or comfort of the people, or to secure good order or promote the general welfare, we must resolve them in favor of the right of that department of government." (46 Pac., 1105.)

The legislature has also recognized the fact, which the experience of legislators in many States has corroborated, that the proprietors of these establishments and their operatives do not stand upon an equality, and that their interests are, to a certain extent, conflicting. The former naturally desire to obtain as much labor as possible from their employees, while the latter are often induced by the fear of discharge to conform to regulations which their judgment, fairly exercised, would pronounce to be detrimental to their health or strength. In other words, the proprietors lay down the rules, and the laborers are practically constrained to obey them. In such cases self-interest is often an unsafe guide, and the legislature may properly interpose its authority.

It may not be improper to suggest in this connection that although the prosecution in this case was against the employer of labor, who apparently, under the statute, is the only one liable, his defense is not so much that his right to contract has been infringed upon, but that the act works a peculiar hardship to his employees, whose right to labor as long as they please is alleged to be thereby violated. The argument would certainly come with better grace and greater cogency from the latter class. But the fact that both parties are of full age, and competent to contract, does not necessarily deprive the State of the power to interfere, where the parties do not stand upon an equality, or where the public health demands that one party to the contract shall be protected against himself. The State still retains an interest in his welfare, however reckless he may be. The whole is no greater than the sum of all the parts, and when the individual health, safety, and welfare are sacrificed or neglected, the State must suffer.

We have no disposition to criticise the many authorities which hold that State statutes restricting the hours of labor are unconstitutional. Indeed, we are not called upon to express an opinion upon this subject. It is sufficient to say of them that they have no application to cases where the legislature had adjudged that a limitation is necessary for the preservation of the health of employees, and there are reasonable grounds for believing that such determination is supported by the facts. The question in each case is whether the legislature has adopted the statute in exercise of a reasonable discretion, or whether its action be a mere excuse for an unjust discrimination, or the oppression or spoliation of a particular class. The distinction between these two different classes of enactments can not be better stated than by a comparison of the views of this court found in the opinions in *Barbier v. Connolly*, 113 U. S., 27, 5 Sup. Ct., 357, and *Soon Hing v. Crowley*, 113

U. S., 703, 5 Sup. Ct., 730, with those later expressed in *Yick Wo v. Hopkins*, 118 U. S., 356, 6 Sup. Ct., 1064.

We are of opinion that the act in question was a valid exercise of the police power of the State, and the judgments of the supreme court of Utah are therefore affirmed.

Mr. Justice Brewer and Mr. Justice Peckham dissented.

CONSTITUTIONALITY OF STATUTE—TRADE-MARKS OF TRADE UNIONS, ETC.—*Schmalz v. Wooley et al.*, 39 *Atlantic Reporter*, page 539.—This case came before the court of chancery of New Jersey upon a bill in equity asking for an injunction and damages. Said bill was demurred to, and after a hearing upon the demurrer the court rendered its decision February 5, 1898, and sustained the demurrer.

From the opinion of the court, which was delivered by Vice-Chancellor Stevens, the following, showing the facts in the case and the reasons for the decision, is quoted:

This bill is filed on behalf of an unincorporated association of journeymen hatters known as the Union Hat Makers' Association of Newark, N. J., of which complainant is president. It alleges that the association, on September 16, 1896, caused to be filed for record with the secretary of state duplicate copies of the label, trade mark, etc., before that time adopted by said association, and that the same has been owned and in actual use by the United Hatters of North America and by the Union Hat Makers' Association, a subassociation, and the other subassociations and local unions of journeymen hatters throughout the United States and Canada, for about 10 years past, "for the purpose of designating, making known, or distinguishing goods, wares, merchandise, or other products of labor, as having been made, manufactured, produced, prepared, packed, or put on sale by such persons or associations or unions of workingmen known as journeymen hatters, or by a member or members of such associations or unions;" and that the class of merchandise to which the label has been appropriated consists of hats and caps upon which the skilled labor required has been done by a member of the United Hatters of North America or of the subassociations or local unions of journeymen hatters belonging thereto. The label consists of a picture or representation of a globe, over which is written the words "Union Made," and around which is written "The United Hatters of North America." The bill alleges that the defendants Wooley and Crane, of the city of Newark, are and have been for more than 3 years last past partners in trade, engaged in the business of manufacturing and selling hats in large quantities at their factory in Fair street, Newark, and that they are now, and for the last 3 years have been, wrongfully and knowingly using a counterfeit or imitation label on all or nearly all hats finished at and sent out from their factory, and that their factory is a "foul shop," not working under the jurisdiction of the said United Hatters of North America. The bill prays for an injunction and damages. The defendant demurs.

The complainant puts his title to relief, first, on the principle on which equity ordinarily interferes in such cases; and secondly, on the provisions of those acts of legislature which provide for the adoption of labels by unions of workingmen.

His first position is clearly untenable, in view of the decision in *Schneider v. Williams*, 44 N. J. Eq., 391, 14 Atl., 812. That case is, in all its essential features, identical with the case in hand. In both cases a label was adopted which was to be placed upon goods made by members of the association only. In both cases such labels had been used for a considerable period of time, and in both cases the defendants were alleged to be conducting their business in such manner as to deceive those who dealt with them. But in neither case did the bill show that the complainant, or those whom he represented, had any property right in the goods labeled. In referring to the bill then before him, Vice-Chancellor Van Fleet said that it was defective in this respect: It did "not show that the complainants have applied their mark or label to a vendible commodity, of which they are the owners or in which they trade, and that they have put such commodity, marked with their mark, on the market." The case in hand discloses the same defect. It is not anywhere alleged that the association of journeymen hatters, on whose behalf complainant sues, are the owners of or that they are trading in the hats or caps to which the label is applied, or that they have ever put them on the market. Without overruling this decision, it would be impossible to give complainant relief on the ground of the ordinary practice of courts of equity in dealing with trade-marks or labels.

But it is said that the statute has conferred a new right upon these associations. The first act was passed in March, 1889, the year after the decision in *Schneider v. Williams*, and presumably in view of that decision. It authorizes the court to enjoin the manufacture, use, or display of labels made to counterfeit the labels adopted by associations or unions of workingmen. This act is attacked as being contrary to that provision of the constitution of this State, which prescribes that the legislature shall not pass private, local, or special laws "granting to any corporation, association, or individual any exclusive privilege, immunity, or franchise whatever." The argument is that the legislature has conferred upon associations or unions of workingmen a right of property in labels or trade-marks which it has not conferred upon other citizens. What is the nature of the right conferred? Section 1 (3 Gen. St., p. 3678) enacts that it shall be lawful for associations and unions of workingmen to adopt, for their protection, labels, trade-marks, and forms of advertisements announcing that goods manufactured by members of such associations or unions are so manufactured. By section 2 it is enacted that persons counterfeiting these labels, etc., shall be guilty of a misdemeanor punishable by fine and imprisonment; and by section 5 it is further enacted that every association or union adopting a label may proceed by suit in the courts of this State "to enjoin the manufacture, use, display, or sale of any such counterfeits, and that all courts having jurisdiction thereof (1) shall grant an injunction to restrain and prevent such manufacture, use, display, or sale;" (2) shall award the complainant damages; (3) shall require the defendants to pay to the party injured the profits derived from such use; and (4) shall order the counterfeit destroyed.

Now, it seems to me, by these provisions, the legislature has sought to convert what was only an imperfect right—that is, a right incapable of being asserted in a court of justice against those who violate it—into a complete and perfect one—a right protected by both criminal and civil sanctions. Before its passage the right of property in a label or trade-mark could only be asserted by those who owned or traded in the goods to which it was applied. After its passage it was to become a species

of property per se, without any reference to whether the owner of the label or trade-mark owned or traded in the goods to which it was applied or not, or to whether it had ever been applied to any goods or not. This new property right was, however, by the act of 1889, given only to associations or unions of workingmen. No doubt these words apply to unincorporated as well as to incorporated associations and unions. Giving to them this, their widest, signification, it is self-evident that they embrace neither associations nor unions other than associations or unions of workingmen, nor individual citizens. What, then, the legislature has done is this: It has sought to give to some associations and to some individuals a right or privilege which it has not given to other associations and to other individuals. On this two questions arise: Is the right in question a "privilege," within the meaning of the constitution? and, if a privilege, is it one which may be given solely to associations or unions of workingmen?

The right to the absolute ownership of a distinguishing mark or design, protected by all the sanctions of the law, which may indicate either the origin of the article made, aside from ownership, or the bodies or persons who may have examined or approved it, is undoubtedly a valuable right, to many persons, under any circumstances. It being clear that this right so conferred upon associations or unions of workingmen is a privilege, in the constitutional sense, the question, then, is whether it is a privilege which may be given solely to associations or unions of workingmen; that is, whether the law which confers it is or is not special. It is so, unless it embraces the entire class of persons to whose condition or needs it may be appropriate. The law conferring the privilege must, in the language of Mr. Justice Knapp, in *Randolph v. Wood*, 49 N. J. Law, 88, 7 Atl., 286, "embrace all and exclude none whose condition and wants render such legislation equally necessary or appropriate to them as a class." Now, the act in question does not embrace all whose condition and wants render such legislation appropriate. In the first place, it extends only to associations or unions of workingmen, not to individual workingmen, even though those workingmen may be members of an association or union. It would, I think, be difficult to assert that individual workingmen who have acquired a reputation for what they make might not derive the same kind of benefit, in greater or less degree, from the right to adopt a label, protected by the law, that associations might derive from it. In the second place, giving to the word "workingman" a very broad significance—a significance perhaps broader than fairly belongs to it—and conceding it to include all who work, whether with their hands or with their brains, it could not be held to embrace partnerships, some of whose members contribute capital only, or corporations engaged in manufacturing or trading, and yet some of these firms and companies might find it convenient to have the same privilege, protected by the same sanctions, as is accorded to unions of workingmen; for this right is broader than the ordinary right to labels and to trade-marks, properly so called. It seems plain, therefore, that this act does exclude from its operation some classes of persons to whom such legislation would be appropriate, and it is therefore open to the constitutional objection of being a special law.

But it is said that the defect is cured by the act of 1892 as amended by the act of 1895. (3 Gen. St., p. 3679.) That act, so amended, provides that whenever any person or any association or union of workingmen has adopted or shall adopt any label, etc., it shall be unlawful to counterfeit it and to use and sell the counterfeit. Thus worded, it

embraces, no doubt, all kinds of persons and associations. The word "person" is inserted, and the word "association" is divorced, by the mode of expression, from its exclusive relation to workingmen. The insistment on the part of the defendants is that this supplement does not comply with the constitutional requirement that "every law shall embrace but one subject and that shall be expressed in its title." The title of the act of 1892 is "a further supplement to an act entitled 'An act to protect trade-marks and labels.'" The title of the act of 1895 is "An act to amend an act entitled 'A further supplement to an act entitled 'An act to protect trade-marks and labels,' approved March 23, 1892.'" Now, the difficulty arises here. There is upon our statute books no act entitled "An act to protect trade-marks and labels." The original act of 1889, whose provisions I have already discussed, is styled "An act to provide for the adoption of labels, trade-marks, and forms of advertising by associations or unions of workingmen and to regulate the same." This was the only act upon our statute books relating to the subject of labels and trade-marks when the act of 1892 was passed. Under these circumstances, we may deal with the title of the act of 1892 in two ways—we may consider it literally or we may read it as referring to the act of 1889. If we take it literally, it clearly fails to conform to the constitutional provision above mentioned. "The criterion in these cases," says the late chief justice in *Falkner v. Dorland*, 54 N. J. Law, 410, 24 Atl., 403, "is to ascertain, as closely as practicable, what impression, as to the object of the statute, its titular expression is calculated to disseminate." The expressed object of the title under consideration is to supplement another act, viz, an act entitled "An act to protect trade-marks and labels." But, as there is no such act upon our statute books, it can not be supplemented. The expressed object of the act of 1892 is therefore incapable of being effectuated. The title "is erroneous in the worst degree, for it is misleading." Taken literally, it can not be sustained.

But it is not necessary that the title of the amended act should be set out *in hæc verba*. In *State v. Woolard* (N. C., 1896), 25 S. E., 719, it was said that, if sufficient appears in the title to make it clear beyond cavil what prior act is referred to, it will be good. Does it clearly appear in the title of the act of 1892 that the prior act referred to is the act of 1889? While I think this may admit of some doubt, I will assume that, because there was only one act upon our statute book relating to this subject, the title of the act of 1892 is to be read as referring to that. Taking this view of the matter, and this is the view that is most favorable to complainant, we are met with another difficulty. The act then becomes a supplement to an act to provide for the adoption of labels, etc., by associations or unions of workingmen. To this restricted object the act itself, in its body, must be limited. It was contended by counsel for complainant that the title of the act of 1889 might be so construed as to make it sufficiently general; that the words "the same" might be read as referring to labels, trade-marks, and forms of advertising generally, and not merely to those adopted by associations or unions. If the title in any part of it had dealt with the general subject of labels, trade-marks, and forms of advertising, this construction might be possible. But it does not; it only deals with labels, trade-marks, and forms of advertising by associations or unions. This limited class of labels, etc., is therefore the only antecedent to which the word "same" can by any possibility refer. There is no other. The title under consideration plainly has reference, not to labels, etc., generally, but only to those adopted by associations or

unions of workingmen, and the word "same" can refer only to the labels, etc., so adopted.

I have thus far considered the case on the assumption that the act referred to in the title of the act of 1892 is the act of 1889. It may be suggested that the words of reference are not sufficiently clear to justify this assumption, and that what the legislature really intended to do by the act of 1892 was to legislate for the first time on the general subject of labels and trade-marks. To give effect to this supposed intention, we must drop the words "further supplement," and read the title thus: "An act to protect trade-marks and labels." To do this, however, would be to make a new title, not to take that already made by the legislature. I do not think it has ever been decided that the court may reject a part of the title for the purpose of saving the act. If it may, then a title which expresses a double object can easily be converted into one which expresses a single object; and, if the court may reject words, I do not see why it may not add them. But the very numerous decisions on this subject in our courts do not give the slightest intimation that the judicial branch of our Government possesses any such power. They do show very conclusively that it does not. The fact is that the court has no more power to reconstruct the title than it has to remodel the act itself. It must take both the title and the body of the act as it finds them, and consider them accordingly.

I have thus far considered the case as affected by the statutes on the subject which have been enacted up to the time the bill was filed. On April 16, 1897, the legislature passed an act "to amend and correct" the titles of the acts of 1892 and 1895, and "to declare the true intent and purpose of the titles hereby amended and corrected." This act provided that the title of the act of 1892 entitled "A further supplement to an act entitled 'An act to protect trade-marks and labels,'" should be amended so as to read "A supplement to an act entitled 'An act to provide for the adoption of labels, trade-marks, and forms of advertising by associations or unions of workingmen and to regulate the same.'" The title of the act of 1895 was amended in like manner. Assuming that the act of 1897, section 3 of which provides that it shall be retrospective in its operation, is a proper subject of consideration, it is manifest that it is open to the objection heretofore pointed out, viz, that, although a title might easily have been framed sufficiently broad to embrace the whole subject of trade-marks and labels, the title as actually framed only extends to labels and trade-marks adopted by associations or unions of workingmen. As the title does not go beyond these associations or unions, the body of the original act, or of any supplement thereto, can not go beyond them. As it can not, the restricted legislation in question, as already shown, is open to the objection of being a special law granting an exclusive privilege. The demurrer should be sustained.

EMPLOYERS' LIABILITY—RAILROAD COMPANIES—VICE PRINCIPALS—FELLOW-SERVANTS—*Hunter v. Kansas City and M. Railway and Bridge Co.*, 85 Federal Reporter, page 379.—Action was brought in the United States circuit court for the western district of Tennessee by one Hunter against the above-named company, to recover damages for a personal injury incurred while in the employ of said company, and

due, as alleged, to the negligence of one Robert Snowden. Hunter was one of four men, three colored laborers and one white mechanic, Snowden, engaged in setting posts along the railroad track. They were all put on this work by one Green, "a boss" of the railroad. The posts were to be set a certain height and distance from the rails, and it was Snowden's especial duty, by the use of a level and straightedge, to ascertain and designate the proper places to put the posts, and having done this all four of the men would proceed to set up the posts in the places he had designated. The plaintiff, at the time of the accident, was down in a post hole, hugging a post and directing its descent, when suddenly the men above turned the post loose, and in rapidly descending it pulled him down and wrenched his back. He alleged that it was Snowden's negligence that caused this to be done. A judgment was rendered for the defendant upon the instruction of the judge of the circuit court, and the plaintiff carried the case on writ of error to the United States circuit court of appeals for the sixth circuit, which rendered its decision February 8, 1898, and affirmed the judgment of the lower court.

From the opinion of the court of appeals, which was delivered by Circuit Judge Lurton, the following is quoted:

The learned counsel for the plaintiff in error concede that at common law Hunter and Snowden were fellow-servants, but say that under the Arkansas statutes defining that relation he was a vice principal. The Arkansas statute is as follows:

"All persons engaged in the service of any railway corporations, foreign or domestic, doing business in this State, who are intrusted by such corporation with the authority of superintendence, control, or command of other persons in the employ or service of such corporation, or with the authority to direct any other employee, in the performance of any duty of such employee, are vice principals of such corporation, and are not fellow-servants with such employee.

"All persons who are engaged in the common service of such railway corporations, and who, while so engaged, are working together to a common purpose, of same grade, neither of such persons being intrusted by such corporations with any superintendence or control over their fellow-employees, are fellow-servants with each other; *Provided*, Nothing herein contained shall be so construed as to make employees of such corporation in the service of such corporation fellow-servants with other employees of such corporation engaged in any other department or service of such corporation. Employees who do not come within the provisions of this section shall not be considered fellow-servants." (Sand. & H. Dig., §§ 6248, 6249.)

Such statutes do not encroach upon Federal authority, and constitute the law of the State which Federal courts are bound to administer in suits arising within the State.

We have, under this evidence, the case of three men working together in the common purpose of setting a post in a hole prepared to receive it. That Snowden received larger pay than Hunter, or that in some respects his work was not the same as that done by his associates, does not determine that he was a vice principal. The determining question under this statute is whether he was intrusted by the corporation with

the authority of superintendence, control, or command of those with whom he was associated in the service of the company, or with authority to direct these other employees in the performance of their duty to the common master. When, as in this case, it is shown that several persons are associated together and working together to a common purpose in the same department, they are presumed, under the second section of the Arkansas statute, to be fellow-servants, and the burden is upon him who claims that a different relation existed to establish that one was a vice principal.

That Hunter should regard Snowden as a "boss," or that he assumed to have some sort of control over those associated with him, will not make him the representative of the corporation. The authority to control and direct others must be an authority "intrusted by such corporation" to him. His authority may, of course, be implied from the very nature of the duties imposed upon him; but he is not a vice principal merely because his higher character, greater intelligence, superior race, or natural habit of command caused him to assume an authority not intrusted to him by the common master, or to be regarded and treated with a respect due to his personal qualities, rather than to his delegated power of control by those associated with him.

Snowden testified that he was not a "boss," and was given no authority to command or control his associates. To him was intrusted the use of the level and the gauge, for the purpose of aiding in the proper alignment and adjustment of the posts which were being set by the cooperation of all. His directions to deepen a hole, or to move a post to the right or to the left, or to lower or to raise it, were more in the nature of signals which a switch tender or brakeman might give to a conductor or engineer to guide them in the movement of a train than of commands given in the exercise of the authority of a superior over an inferior.

The particular duty of Snowden was to use his level and gauge and announce the result. If the hole was too deep or too shallow, or the post not plumb, the fact was thereby ascertained, and it became his duty and that of his associates to do what was necessary to bring it into proper relation by deepening or filling or by other movement of the post, indicated by the level and gauge. There was no sufficient evidence to overcome the presumption that the relation of fellow servant existed under the construction placed upon the second section of the Arkansas act by the supreme court of that State [*Railway Co. v. Becker*, 63 Ark., 477, 39 S. W., 358], and the jury were properly instructed, on this ground, to find for the defendant.

EMPLOYERS' LIABILITY—RAILROAD COMPANIES—VICE PRINCIPALS—FELLOW-SERVANTS—CONTRIBUTORY NEGLIGENCE—*St. Louis, Iron Mountain and Southern Railway Co. v. Rickman*, 45 *Southwestern Reporter*, page 56.—This case was heard in the circuit court of Woodruff County, Ark., having been brought by S. R. Rickman against the above-named railway company to recover damages for injuries received while in its employ. Judgment was rendered for Rickman, and the company appealed the case to the supreme court of the State, which rendered its decision March 19, 1898, and affirmed the judgment of the lower court.

All the facts in the case are stated in the opinion of the supreme court, which was delivered by Chief Justice Bunn, and from which the following is quoted:

Plaintiff was a section hand under the control of one McDougal as foreman. On the 28th of January, 1895, some time about or just after nightfall, it being a cold, snowy, and dark night, McDougal with plaintiff and three other section hands and a citizen, after quitting work for the day, left Russell station on a hand car to go to their station house at Bald Knob, a short distance south of Russell, on the railroad. While at Russell they could see the headlight of an engine at Bald Knob, and a train was due to pass up about that time. It was suggested by one of the hands that they had better wait until the coming train should pass, but the foreman said, "No; that the engine whose light was then in view was standing at Bald Knob on a side track." And so, boarding the hand car, they started for Bald Knob. It pretty soon became evident that the train from Bald Knob was approaching, and another of the hands suggested that they had better stop and take off the hand car at the next crossing, which they were about then to arrive at. The foreman said, "No, we will go to the next crossing and then get off." But, before they reached the next crossing, the coming train had approached so near that the foreman ordered them to slow up and get off and take the hand car off, or words to that effect. This was all done hurriedly. The foreman stood a little way from the hand car, directing the hands to take it off quick. One of them fell, and plaintiff took his place in the effort to lift the car off. At this juncture the approaching engine struck the hand car, knocking it off, and broke the leg of plaintiff, who did not let go of the car in time to save himself as the others did.

Under recent statutes (Sand. & H. Dig., §§ 6248, 6249), a foreman of a section gang is not a fellow-servant of the men belonging to the gang under him, for the reason that they are under his control and direction in the performance of their duties. There is no doubt in this case but that the foreman, in operating the hand car and controlling its movements, was acting in a very imprudent and hazardous manner, and was guilty, therefore, of negligence. The plea that the plaintiff was guilty of contributory negligence—all the defense left—is not established by the evidence. What the defendant [plaintiff?] did was manifestly done in obedience to the order of the foreman to get the car off quick. Plaintiff had a right to presume that the foreman, who was in a situation to devote his whole attention to the approaching train and the efforts of his men to get the hand car off the track, could better determine than he what was best to be done under the circumstances. We do not think the danger was so apparently imminent but that he could reasonably rely upon the direction of the foreman. He did so, and was injured. He should not be charged with contributory negligence under the circumstances. The negligence of the foreman, acting for the company, did not consist so much in what he did at the place of the accident as in running the hand car into a situation in which nice chances must necessarily have to be taken in order to extricate himself and others from peril, and by which the injury occurred. The judgment is affirmed.

DECISIONS UNDER COMMON LAW.

BREACH OF CONTRACT OF EMPLOYMENT—DISCHARGE OF EMPLOYEE—MEASURE OF DAMAGES—*Winkler v. Racine Wagon and Carriage Co.*, 74 *Northwestern Reporter*, page 793.—This action was brought by Joseph Winkler against the Racine Wagon and Carriage Co. to recover damages for breach of a contract of employment. At a hearing in the circuit court of Racine County, Wis., upon a demurrer to the plaintiff's complaint filed by the defendant company, said demurrer was sustained by the court and the plaintiff appealed the case to the supreme court of the State, which, on April 12, 1898, rendered its decision and reversed the decision of the lower court.

The opinion of the supreme court was delivered by Judge Pinney, and the following, laying down certain principles of law and sufficiently showing the facts in the case, is quoted therefrom:

The defendant's contention is that if, as is alleged in the complaint, the plaintiff was wrongfully discharged by the defendant before the expiration of the stipulated period of his service, he can not sue for and recover the unpaid portion of the stipulated wages, except for past services rendered and for such sums of money as had already become due; that, as far as any other claim on the contract is concerned, he should have sued for the injury he had sustained by his wrongful discharge and breach of the contract in not being allowed to serve the stipulated period and earn the wages agreed on, relying on the rule laid down in *Howard v. Daly*, 61 N. Y., 362, and *Weed v. Burt*, 78 N. Y., 191. The general rule is that when a contract is entire, as in the present case, it is necessary for a party to show full performance on his part before he can maintain an action upon it. The authorities recognize certain exceptions to the rule, as where performance has been rendered impossible by the act of God, by the act of the law, or by the act of the other party. The defendant having wrongfully discharged the plaintiff, and refused to receive his services or permit him to complete his contract of service, the plaintiff had the right to treat it as broken, and to sue on it, and recover according to its terms to the date of such termination, and the measure of his damages *prima facie* would be the contract price of the work; but the defendant might mitigate the damages by showing that the party might have obtained other employment elsewhere. The burden of showing this is on the defendant. In *Danley v. Williams*, 16 Wis., 581, it was held that where one contracts to work for another, either for a specified time or until he finished a building or other work, if he is prevented by the fault of the hirer he is certainly damaged to the extent of the sum he would have received for his services unless he could obtain other employment in the meantime. "In the absence, therefore, of any evidence that the party might have obtained any other employment, the law can adopt no other rule of damages than the contract price, unless there is some legal presumption that such other employment might be obtained." (*Barker v. Insurance Co.*, 24 Wis., 630.)

The complaint counts, in substance, upon a breach by defendant of the contract between the parties, in that it, without justification or excuse, dismissed the plaintiff from its employment, notwithstanding he was ready and willing to continue in its employment, and fully perform the contract on his part, and compelled him to seek employment

elsewhere. It seems to be the settled law of this State that, where a party is thus wrongfully discharged by the employer before the expiration of the contract period, he may wait until such period arrives, and then recover against the employer the wages he would have earned but for such wrongful discharge, less what he could have earned by employment elsewhere, which will be in reduction of damages.

EMPLOYERS' LIABILITY—DEFECTIVE APPLIANCES—*Campbell v. New Jersey Dry Dock and Transportation Co., 39 Atlantic Reporter, page 658.*—Action was brought in the supreme court of New Jersey by James Campbell against the above-named company to recover damages for injuries received in its employ. A verdict was rendered for the plaintiff and the trial judge granted a rule to show cause why the verdict should not be set aside and a new trial ordered. Upon hearing, the rule was made absolute and a new trial ordered in a decision rendered February 28, 1898.

The plaintiff was a ship carpenter, and while with others at work in letting a tank down into the hold of a vessel one of the hooks on the tackle which was being used in lowering the tank broke, letting the tank down on his hand and crushing it. The testimony showed that the defendant's tackle and hooks were kept in a shanty in the yard of the company; that the boss rigger in charge of the work ordered two of the men under him to get the tackle and hooks to be used in lowering the tank; that one of them went to the shanty and got tackle and hooks from there, but that the other, instead of following his example, picked up a tackle and hooks which he found on the deck of the vessel and which belonged to the vessel and not to the company; and that it was a hook on this tackle so picked up that broke and let the tank down on the plaintiff's hand.

The decision of the supreme court was delivered by Judge Gummere, and the syllabus of the same, which was prepared by the court, shows the reason for the decision made and reads as follows:

A master who furnishes to his servant safe and suitable appliances with which to do the work upon which he is engaged is not responsible for injuries received by the servant by reason of defects in appliances substituted by a fellow-servant for those furnished by the master.

EMPLOYERS' LIABILITY—FURNISHING SAFE TOOLS—ASSUMPTION OF RISKS BY EMPLOYEE, ETC.—*Lehigh Valley Coal Co. v. Warrek, 84 Federal Reporter, page 866.*—Action was brought in the United States circuit court for the eastern district of New York by one Warrek against the above-named coal company to recover damages for personal injuries sustained by him while in the employ of said company at its coal mines near Wilkesbarre, Pa. Judgment was rendered in favor of Warrek and the company carried the case on a writ of error to the

United States circuit court of appeals for the second circuit, which rendered its decision January 25, 1898, and affirmed the judgment of the lower court.

Warrek was assigned to check the speed of certain cars, loaded with coal, running upon a track leading from the company's mines to a coal dump. In so doing he was accustomed to use blocks or wedge-shaped pieces of wood which were put on the rails in front of the wheels. He testified that when he wanted new blocks he would notify McKaa, the foreman, and he would have them brought; that the carpenter always brought them; that he ordinarily got new blocks every two or three weeks; that he got the last blocks about four weeks before the accident; that on Friday before the accident (which happened Monday morning) he notified McKaa that he wanted new blocks; that on Saturday, when Mr. Shoemaker, the outside superintendent, told him to hurry up, he replied, "I can't, Mr. Shoemaker, I got old blocks, a little cracked and a little chipped off;" that both McKaa and Shoemaker promised him new blocks; that on Monday morning he had blocked 5 cars before he was hurt; that when the sixth car was uncoupled by his companion 50 or 60 feet up the grade, and came toward him, he took a block from the pile and put it on the rail under the wheel, and that the block split in two pieces, and the wheel came over his hand and injured it.

The opinion of the circuit court of appeals was delivered by Circuit Judge Lacombe, and in the course of the same he used the following language:

The theory of the plaintiff [Warrek] was that defendant [Lehigh Valley Coal Company] was negligent, because it furnished defective appliances to the plaintiff with which to do his work. Upon this review all contested questions of fact must be resolved in favor of plaintiff, since the jury found for him. In view of the evidence that, whenever plaintiff needed new blocks, he applied for them to the foreman, whereupon the carpenter brought them; that, so far as plaintiff was informed, there was no stock of new ones from which he could supply himself; that plaintiff, three days before the accident, and again two days before the accident, called the attention both of the foreman and of the outside superintendent to the condition of the blocks, and asked for sound ones, and that to his request both replied "All right," and the foreman expressly promised to "give him new blocks right away," this case is to be distinguished from those cited on the brief, where the plaintiff had a stock of new appliances at hand from which to help himself. Conceding that there was no duty of regular inspection of the tools in use imposed upon the foreman and superintendent, the defendant trusting to the daily inspection of the men who used the tools for information as to their condition of repair; nevertheless, when such information was given to them, they (the foreman and superintendent), not the plaintiff, were the proper agents to fulfill the master's duty in furnishing reasonably safe tools. Touching the furnishing of such tools, they were not fellow-servants with defendant, but were the master's alter ego [viz, vice principals]. So, too, when the servant has called attention to the condition of his tools, and been promised that safer ones will be fur-

nished promptly, he is not, as matter of law, to be held negligent for continuing to use the old ones. "When a master has expressly promised to repair a defect, the servant can recover for an injury caused thereby within such a period of time after the promise as it would be reasonable to allow for its performance, and, as we think, for an injury suffered within any period that would not preclude all reasonable expectation that the promise might be kept." (*Hough v. Railway Co.*, 100 U. S., 225.) The judgment is affirmed.

EMPLOYERS' LIABILITY—INCOMPETENT SERVANTS—ASSUMPTION OF RISK—*Chandler v. Atlantic Coast Electric Railway Co.*, 39 *Atlantic Reporter*, page 674.—This action was brought in the supreme court of New Jersey by Nettie E. Chandler, administratrix of the estate of Augustus E. Chandler, deceased, against the above named company to recover damages for the death of her intestate. The declaration alleged that the decedent, an employee of the defendant company, while at work on its track, without any negligence or want of care on his part, was run down and killed by one of the company's cars; that the company's negligence, by which decedent's death was alleged to have been caused, consisted in the failure of the company to provide suitable fenders or guards for its cars, and in knowingly employing an unskillful and incompetent motorman to operate the car which ran down the decedent. The defendant demurred to the declaration as not showing a cause of action, and after a hearing on said demurrer the supreme court rendered its decision February 28, 1898, and overruled the demurrer.

The opinion of the court was delivered by Judge Gummere, and the syllabus of the same, which was prepared by the court, is given below:

1. A servant who chooses to enter into an employment involving danger of personal injury which the master might have avoided takes upon himself the risks of all the hazards incident to the employment, the existence of which are known to him, or which are plain and obvious, and which he has no reason to expect will be counteracted or removed; and no action will lie against a master for injuries to the servant resulting from such damages.

2. A master owes to his servants the duty of using reasonable care and prudence in the selection of their fellow-servants; and, if he knowingly employs or retains in his service an unskillful or incompetent workman, he is responsible for injuries received by an employee through the unskillfulness or incompetency of such workman.

EMPLOYERS' LIABILITY — NEGLIGENCE — FELLOW-SERVANTS — ASSUMPTION OF RISK — *Stucke v. Orleans Railroad Co.*, 23 *Southern Reporter*, page 342.—This action was brought by Frederick W. Stucke against the company above named, a street railroad company operating in the city of New Orleans, in the civil district court of the parish of

Orleans, La., to recover damages for personal injuries received by him while in the employ of said company. The evidence in the case showed that one Willoz, the foreman of the defendant company, having in charge the repairs of its rolling stock, etc., had directed the plaintiff to go into the pit and make some repairs on a car; that one Lasker was directed to accompany him; that with that end in view Lasker was sent to the plaintiff's house to summon him to come to the car house, and one John Villa was ordered to see that the plaintiff and Lasker did the work according to directions; that they went to work in the pit, and that on the morning of May 18, 1896, car No. 16 was moved from the shed to the pit track and carried to the pit, and while there the plaintiff painted it, top and bottom; that when this work had been completed said car was taken away and car No. 17 took its place upon the pit track for the purpose of undergoing some repairs; that the plaintiff was at once set to work making repairs upon one of the brakes, when, immediately, car No. 8 came into the shed and, passing through an open switch which had been carelessly and negligently left open by John Villa, entered upon the pit track and came into collision with car No. 17, causing it to run over the plaintiff's leg and to crush it so badly that it had to be amputated; that plaintiff was wholly unaware of the danger he was in while at work in the pit; that he had been put to work there by the orders of the defendant's foreman, in an emergency and upon the spur of the moment; that he had never worked in the pit previously, and that he had not been advised by any officer or employee of the company of the risks and dangers of the situation and employment.

Judgment was rendered for the plaintiff and the defendant company appealed the case to the supreme court of the State, which rendered its decision January 24, 1898, and sustained the judgment of the lower court.

The opinion of the supreme court was delivered by Judge Watkins, and the syllabus of the same was prepared by the court and reads as follows:

1. An invitation from the master or proprietor to come upon dangerous premises, without apprising him of the danger, is just as culpable, and an inquiry resulting from it is just as deserving of compensation in the case of a servant, as in any other.

2. A man can not be understood as contracting to take upon himself risks which he neither knows, nor suspects, nor has reason to look for; and it would be more reasonable to imply a contract on the part of the master not to invite the servant into unknown dangers than one on the part of the servant to run the risk of them.

3. Whether invited upon the premises by the contract of service or by the calls of business or by direct request is immaterial; the party extending the invitation owes a duty to the party accepting it to see that, at least, ordinary care and prudence are exercised to protect him against dangers not within his knowledge and not open to observation.

4. The servant assumes the risks of such hazards as are apparently incidental to an employment intelligently undertaken, and those only.

5. A superior is presumed to know whatever may endanger the person or life of an employee in the discharge of the duties of his employment, and is bound to specially warn him of the nature of the danger, unless said employee well knew of the existence and extent of the hazard or risk and willingly exposed himself to it.

6. If the negligence of the master caused or contributed to the injury of his servant, the former is liable to the latter, notwithstanding the negligence of a fellow-servant likewise contributed thereto.

7. When an injury is caused partly by the negligence of a fellow-servant, and partly by the failure of the master to provide the servant a reasonably safe place at which to work, the negligence of the fellow-servant will not exonerate the master.

8. When the service to be rendered requires for its performance the employment of several persons, there is necessarily incident to the service of each the risk that the others may fail in the exercise of the caution that is essential to their mutual safety.

9. Consequently there is implied in the contract of service in such case that each servant takes upon himself the risks arising from the negligence of the other while in the common employment, always provided that the master is not negligent in the selection or retention of the fellow-servant of either, or in providing him a reasonably safe and suitable place at which to work, and reasonably suitable tools and materials with which to work.

10. It is necessary, in order to constitute a fellow-service within this rule of jurisprudence, that the servants should be fellow-laborers in the same work or the same department of a common employment.

EMPLOYERS' LIABILITY—NEGLIGENCE OF EMPLOYER—ASSUMPTION OF RISK—*Rhoades v. Varney et al.*, 39 *Atlantic Reporter*, page 552.—This action was brought in the supreme judicial court of Maine by John A. Rhoades against Isaac Varney and others, to recover damages for injuries received while in the defendants' employ. A verdict was rendered for the plaintiff, Rhoades, and the defendants entered a motion for a new trial. The court rendered its decision January 5, 1898, and overruled the motion. The facts in the case are as follows: The plaintiff was employed to attend the "tail stock" in defendants' sawmill, and while so doing his leg was broken by being caught between a projecting point or head-block of the retreating log carriage and the frame supports of wooden rollers set in the floor, and designed to facilitate handling the lumber as it came from the carriage. One of the defendants was the sawyer, stationed near the saw, whose duty it was to operate the carriage; and the negligence which the plaintiff alleged consisted in his "carelessly, negligently, and without notice, starting the machinery operating said carriage" while the plaintiff was in the act of removing the log from the carriage.

The opinion of the supreme judicial court was delivered by Judge Foster, and the syllabus of the same, which was prepared by the court, reads as follows:

1. Although between joint employers, one of them takes upon him-

self the function of a workman, the relation of master and servant [between him while so acting and an employee working with him] nevertheless continues to subsist.

2. When a defendant standing in the relation of master knows, or by the exercise of ordinary care ought to know, that the plaintiff is in a place of danger, it is the duty of such defendant, therefore, to exercise ordinary care on his part, so as not to expose the plaintiff to perils that might by the exercise of such care have been avoided.

3. The servant, though employed in a place of more or less danger, has a right to expect the exercise of due care on the part of his employer.

4. The servant, in assuming the ordinary risks of an employment, does not assume a risk which is the consequence of the employer's negligence.

EMPLOYERS' LIABILITY—RAILROAD COMPANIES—ASSUMPTION OF RISKS BY EMPLOYEE—RULES FOR RUNNING TRAINS—*Little Rock and Memphis Railroad Co. v. Barry*, 81 *Federal Reporter*, page 944.—This action was brought in the United States circuit court for the eastern district of Arkansas by G. F. Barry against the above-named railroad company to recover damages for personal injuries sustained while in the employ of said company. Judgment was rendered for the plaintiff, and the defendant company brought the case on writ of error before the United States circuit court of appeals for the eighth circuit. Said court rendered its decision January 31, 1898, and reversed the judgment of the lower court.

The opinion of the court was delivered by Circuit Judge Sanborn, and the following, quoted therefrom, shows the important facts in the case and the reasons for the decision:

About 2 o'clock in the afternoon on October 26, 1890, engine No. 5 of the Little Rock and Memphis Railroad Company ran into the rear of a freight train on the railroad of that company, and G. F. Barry, the defendant in error, who was the fireman on this engine, leaped from it and was injured. He sued the company for damages, and alleged that he was injured by its negligence in employing an incompetent conductor upon the train his engine drew, and in failing to give notice to its servants in charge of engine No. 5 of the whereabouts and movements of the freight train, and in failing to give notice to its servants in charge of the freight train of the whereabouts and movements of engine No. 5. The plaintiff in error, the railroad company, answered that its conductor was not incompetent, and that it was not its duty to give the conductor and engineer of either of the trains which collided notice of the movements or whereabouts of the other. Upon these two issues the testimony was conflicting, and the jury found for the defendant in error. These facts, however, were uncontradicted: The freight train was a regular train. It had left Hopefield at 3.50 a. m.; was due at Edmondson at 5 a. m., but had been so delayed that it did not leave that station until 9.40 a. m., 4 hours and 40 minutes later than its schedule time; and while it was standing on the main track, on a curve in a deep cut outside the yard limits, about half a mile east of Forrest City, at about 2 o'clock in the afternoon, engine No. 5 crashed into the

rear of it. The engineer in charge of this engine had passed this freight train at Edmondson at 9.30 that morning on his way east to Hopefield, and he knew it was late. When the superintendent of the company delivered the order, under which the train drawn by engine No. 5 was operated on this day, to its conductor, he told him to look out for this freight train, as it was still in the bottom between Edmondson and Forrest City, and the conductor repeated this warning to the engineer when he communicated the order to him before leaving Hopefield. In the early part of this day a military company, which arrived at Memphis too late for the regular passenger train, engaged of this railroad company an extra train to take it to Little Rock, and the engineer and fireman of engine No. 5 were directed to draw this train with their engine. The freight train was, as we have said, a regular train, and it was known as "No. 5."

The rules of the company made this extra train inferior in grade to the regular freight train, and imposed upon its conductor and engineer the duty to keep out of the way of that freight train, which they knew was somewhere upon the single track in front of them. These rules also required the crew of the freight train, when it stopped and stood, as it did, for three-quarters of an hour before the accident occurred, on the curve, in a deep cut, one-half mile east of Forrest City, to immediately station and maintain a flagman 10 or 12 telegraph poles in the rear of its train, and to place torpedoes on the track, not less than 15 telegraph poles behind it, for the purpose of warning and stopping approaching trains which might follow it. These rules gave the employees of the company notice that it proposed to use its railroad for the passage of trains at any time it chose, and that they must protect themselves against their approach. The engineer of the extra train, however, did not keep his engine under control, so that he could stop it when he saw the freight train, but he drove it on with such speed that it was impossible for him to prevent the collision after he came in sight of the regular train; and the crew of the freight train failed to give warning to the approaching extra of the presence of their train either by torpedo or by flagman. In short, these fellow-servants of the defendant in error were guilty of gross negligence, without which it is highly improbable, if not impossible, that the accident could have occurred.

One of the rules of the company, however, required all orders to be given in writing, where practicable; and counsel for the defendant in error insisted that the company was negligent because it did not insert in the written order to the men in control of the extra train a statement that the freight train was delayed east of Forrest City, and an admonition to beware of it, and because the train dispatcher did not stop the extra train at Edmondson, as it passed there, and notify its crew again that the freight had not reached Forrest City. In support of their view, three witnesses for the defendant in error, who had had experience in railroading, testified that in their opinion this course should have been pursued. On the other hand, it appeared by the evidence that this railroad was operated under the standard rules, which were prepared some years ago by experienced railroad men chosen for the purpose by the officers of various railroad companies, and that they had been subsequently so generally adopted, as the best in use, that, in 1888, 58,000 (and at the time of the trial many more) miles of railroad were governed and operated under them. Three witnesses of skill and experience in the operation of railroads, who were familiar with these rules and the practice of railroads under them, testified, in effect, that in their judgment, and in the judgment of those who had

prepared and adopted them, they were the best and the most conducive to safety of any rules in use in this country; that it is more conducive to the safety of the operation of railroads to require the men in charge of a train to look out for and protect themselves at all times against other trains and engines, without notice of their whereabouts and movements, than it is to undertake to give them notice of these movements and whereabouts; and this for the reason that if men receive and come to expect notice of approaching trains, they will invariably relax their vigilance, and rely upon the notice, rather than upon their watchfulness, for their safety, and that in the long run they will be caught in danger more frequently, and more accidents will happen at times when it is impossible or impracticable to convey notice to them, than would occur if they were spurred to constant watchfulness by the knowledge that a train was liable to come upon them at any time without notice. It does not seem unreasonable to suppose that men who are warned that other trains will pass over the railroad on which they are operating without notice to them, and that they must watch for and protect themselves against them at all times, would operate their trains with more care and fewer accidents than they would if an attempt were made to notify them of the whereabouts and movements of all trains, in view of the fact that the expectation of such notice might relax their vigilance, and that they would often be in locations where it would be impossible to give them the notices. If experience has proved this supposition to be in accordance with the fact, and has led to the adoption of rules which do not require, but discountenance, such notices, because the habit of giving them has been found to increase the number and danger of accidents, as the adoption of these standard rules by so many railroad companies and the testimony of the experienced witnesses who are operating railroads under them tend to show, it can not be said that it was the duty of the defendant to give these notices, nor that its failure to give them was negligence.

The fact is not forgotten that the defendant in error produced three witnesses who testified that such notices should have been given. But in our opinion their testimony is insufficient, in face of the evidence of three witnesses of equal credibility who testified to the contrary, to so clearly establish the vice of the theory, and the unreasonableness of the rules and practice which companies operating more than 58,000 miles of railroad have adopted as the best and most conducive to safety, as to warrant a court in so declaring as a matter of law. Unless the rules they adopt are clearly shown to be palpably unreasonable or clearly insufficient, railroad companies ought not to be charged with negligence on account of their adoption and use. In our opinion, there was no such proof in this case. The defendant in error and the other servants of the company were familiar with these rules and the theory upon which they were based. By taking service under them without objection or protest, they assumed the risks and dangers of the theory that every employee who operates trains must beware of other trains moving in the same direction, without notice of their whereabouts, and the risks and dangers of the system of rules which was based upon this theory.

The railroad company had the right to presume that its servants on these trains would obey its rules and discharge these duties, and it had the right to act upon that assumption. It was its right to calculate the natural and probable result of its acts and omissions upon this supposition. Indeed, it could reckon upon no other, for it is alike imprac-

ticable and impossible to predicate and administer the rights and remedies of men on the theory that their associates and servants will either disregard their duties or violate the laws. Now, no one who reckoned on the faithful discharge of their duties by these employees could reasonably have anticipated this fatal collision as either a natural or probable consequence of the failure to give these notices. Nor could it have been the result of such failure, had not the unforeseen negligence of the engineer of the extra train, and the gross and unexpected carelessness of the crew of the freight train, intervened to interrupt the natural sequence of events, to turn aside their course, and to prevent the safe operation of these trains, which was the natural and probable result of the rules and the orders which the defendant gave. It was the gross negligence of these servants, which no one could anticipate, that constituted the intervening and proximate cause, without which this collision could never have been; and it is to this, and not to the failure to give the notices, in our opinion, that this accident must be attributed, under the maxim, "Causa proxima non remota spectatur." The judgment below must be reversed and the cause remanded to the court below, with directions to grant a new trial; and it is so ordered.

EMPLOYERS' LIABILITY—RAILROAD COMPANIES—DEFECTIVE APPLIANCES—VICE PRINCIPAL—*Chicago, Burlington and Quincy Railroad Co. v. Kellogg*, 71 *Northwestern Reporter*, page 451.—This action was brought by George Kellogg against the above-named railroad company to recover damages for personal injuries received while an employee of said company. A judgment was rendered for Kellogg in the district court of Phelps County, Nebr., and the railroad company carried the case on writ of error to the supreme court of the State, which rendered its decision March 3, 1898, and affirmed the judgment of the lower court.

The opinion of said court was delivered by Chief Justice Ragan, and the facts in the case and the important reasons for the decision are shown in the following quotation therefrom:

The first argument is that the petition does not state a cause of action. Kellogg in his petition in substance alleges that on the 7th of August, 1892, he was a station agent of the railway company at Bertrand, Nebr.; that it was his duty as such agent to set the brakes on cars left by passing trains on the side tracks at that station, to prevent the wind blowing the cars off the side track onto the main line; that about 10 o'clock in the evening of said date he went upon a car standing on a side track at his station for the purpose of setting a brake thereon, and that as he turned the brake a wire, which connected the brake chain with the brake rod, broke, precipitating him from the car on the bumpers thereof, and injuring him; that he had no knowledge of the defective condition of the brake; that the company had negligently permitted this brake to become and remain out of repair, in this, that the chain which connects the brake with the brake rod should be fastened to the latter by a half inch iron bolt; that this had been lost out, and someone had connected the rod and chain with a wire which was wholly unfit for that purpose. It is now insisted

that this petition does not state a cause of action, because it does not allege that the company knew that the brake was out of repair, had been improperly repaired with a wire, or that it had been in that condition for such a length of time that the company should be charged with notice of its defective condition. We think this argument untenable. It is the duty of a master, at all times, to furnish his servants with tools and appliances reasonably safe and fit for the purposes for which they are designed; and if a servant, where the defect of an appliance is not obvious, and where he has no knowledge of such defect, and is not charged with the duty of knowing such defect without negligence on his own part, is injured while attempting to use in the service of the master a tool or appliance designed for the work in hand, the master is liable for such injury. Since it was not the duty of the station agent to inspect this brake, nor to repair it if he found it defective, and since he did not know that the brake was out of order, he had the right to presume that it was in proper condition and reasonably fit for the purposes for which it was intended; and the general allegation that the railroad company had been guilty of negligence in permitting the brake to become and remain out of repair, coupled with the other allegations of the petition as to the plaintiff's duty, and his want of knowledge of the defective condition of the brake, rendered the petition invulnerable to demurrer.

A second argument is that the judgment can not stand because Kellogg's injury resulted from the negligence of a fellow-servant. It is true that, in the absence of statute, the general rule is that a master is not liable to one servant for an injury which he has sustained through the negligence of a fellow-servant. In this case the evidence shows that the railroad company has in its employ, at various stations along its road, car repairers or inspectors whose duty it is to inspect the cars of the company, the wheels and brakes, and other appliances thereof, and if a brake is found out of order, to repair it. The evidence does not disclose that it was the duty of the station agent (Kellogg) to inspect the cars that came to his station, nor, should he discover that a car or an appliance thereof was out of order, that it was his duty to repair it. In the case at bar, if we are to consider that the verdict of the jury includes a finding that Kellogg, the station agent, was not a fellow-servant of his coemployee, the car repairer or inspector, the evidence in the record justifies that finding; and if, from the admitted facts, it is for us to say, as a matter of law, whether the station agent and the car repairer or inspector were fellow-servants, then we answer that they were not.

The master's liability in a case like the one at bar does not rest upon an exception to the general rule that a master is not liable to one servant for an injury caused to the latter by the negligence of a fellow-servant. It rests upon the principle that it is the duty of a master to furnish the servant tools and appliances reasonably fit and safe for the performance of the duties required of the servant; and if the master delegates to a servant the selection, inspection, and furnishing of these tools and appliances, such a servant then stands in the place of the master, and such servant's neglect in the premises is the master's neglect. Or, applying the rule to the case at bar, the common master delegated to the car inspector the duty of inspecting and repairing these brakes. That car inspector then, in that matter, stood in the place of the railway company itself, and the car inspector's relation to the station agent was not that of fellow-servant, but of vice principal. Judgment affirmed.

GARNISHMENTS—PROPERTY SUBJECT TO—PAYMENTS BY GARNISHEE—*Hall v. Armour Packing Co.*, 29 *Southeastern Reporter*, page 139.—This was a garnishment proceeding brought in the superior court of Bibb County, Ga., by C. H. Hall against the above-named company. Judgment was rendered for the company, and the plaintiff, Hall, carried the case on writ of error to the supreme court of the State, which rendered its decision July 28, 1897, and affirmed the judgment of the lower court.

Neither the facts in the case nor the opinion of the supreme court are given, but the syllabus of the opinion was prepared by the court, and the following is quoted therefrom:

A garnishment served upon an employer is not effectual to reach the salary of an employee if the former was not indebted to the latter at the time the garnishment was served, and did not become indebted to him previous to the time of making answer; and this is true although the employer, even after service, paid the employee his salary in advance, for the purpose of preventing the same from being reached by the garnishment.

UNION LABOR ONLY TO BE EMPLOYED ON PUBLIC WORKS—RIGHT OF CITY AUTHORITIES TO MAKE SUCH PROVISION IN CONTRACTS—*Building Trades Council v. Board of Education of City of Chicago*, Vol. XXX, No. 30, *Chicago Legal News*, page 249.—This case was submitted in the circuit court of Cook County, Ill., under an act approved June 17, 1887, page 158, acts of 1887 (sec. 100 of chap. 110, Revised Statutes of 1891), providing for the oral submission of certain controversies to the court without formal pleadings. The decision was rendered March 12, 1898, and the submission dismissed on the ground that there was no such legal controversy in the case as was contemplated by said act.

The opinion was delivered by Judge Tuley, and reads in part as follows:

The questions submitted are: Whether the board of education of the city of Chicago has "the right to insert in all contracts and specifications connected therewith the provision that none but union labor shall be employed in any part of the work where said work is classified under any 'existing union;'" and second, Whether said board of education has the right to enforce a rule whereby "none but union workmen shall be employed and placed upon the pay roll of the board."

There would be no question raised if the contracts or pay rolls in question were those of a private individual as to his right to provide for the employment of union labor only. A private individual has the undoubted right to put any such provision in any contract that he may make, or he may put in a provision that no union labor shall be employed in carrying on the contract. He may insert either provision that he wishes, at a loss to himself, or from mere sentiment or caprice. The law recognizes the right of an individual to do what he will with his own in that regard. There can be no doubt but that under certain

circumstances the board of education might insert in its contracts a provision for the employment of none but union labor, or provision that no union labor should be employed; but, being public officials, charged with the duties of a public trust, the members of the board could not act, knowingly, at a loss to the public funds, or from mere sentiment or caprice, or from any motive other than to subserve the public interests and to faithfully discharge the public trust confided to them.

If the board should find that the skilled labor of the country was practically organized into "unions," whose members refused to work with nonunionists; that unless a clause requiring all work to be done by "union" labor be inserted there will probably be "strikes" upon the work, causing delay, loss, and trouble incident to strikes; and if it should find that by reason of the situation confronting the board it would be wise and prudent to insert such provision; or, in other words, if the board should, in the discharge of their public trust, be honestly of the opinion after due investigation that the public interests, both as to economy in the construction of the work and the character of the work done, would be best subserved by the insertion of the union labor clause in the contracts, it would clearly have the right, and it would be its duty to insert such a provision.

There can, in my opinion, be no doubt of the legality of the union-labor clause, nor as to the rule as to placing none but unionists upon the pay roll if the board should be of the opinion that the public interests would be best promoted thereby. The propriety of so doing, or the justification of so doing, is a question solely for the board to decide. They must decide as to the proper performance of their duties and the proper discharge of the trust imposed upon them.

It is urged, however, that the board of education being a public agency, and the work in question being work which is for the benefit of the public, that it is against public policy that the board of education should discriminate as between "union" and "nonunion" labor. Be that as it may, it is not for the board of education to decide itself, or to be guided by what it believes to be the best public policy. It is for the State legislature to determine questions of public policy. The board of education has no legislative duties to perform in connection with the carrying on of its public works, and in the absence of limitations or restrictions imposed by the State legislature, it must perform its duties and discharge its trust with a view solely to the best interests of the public, having regard to economy in the construction of the work contracted for and the quality of work to be done.

In my opinion, however, there is no such legal "controversy" between the parties to this submission (the board of education and the Building Trades' Council) such as is contemplated by the act under which this submission is made. Certainly no mandamus would lie against the board of education to make it insert in its contract a "union-labor" or a "nonunion-labor" clause, and there is no agreement between the board and the Building Trades' Council which the latter could file a bill to enforce the specific performance of. In other words, there is no controversy between these parties within the purview of the act in question.

The submission made to the court will therefore be dismissed for that reason.

LAWS OF VARIOUS STATES RELATING TO LABOR ENACTED SINCE JANUARY 1, 1896.

[The Second Special Report of the Department contains all laws of the various States and Territories and of the United States relating to labor in force January 1, 1896. Later enactments are reproduced in successive issues of the Bulletin from time to time as published.]

GEORGIA.

ACTS OF 1897.

ACT No. 340.—*Convict labor.*

(Page 71.)

SECTION 6. The [prison] commission shall have complete management and control of the State convicts, shall regulate the hours of their labor: *Provided further*, That any person or corporation, having hired any convicts under the provisions of this act, and failing or refusing to comply with the regulations of the commission, shall forfeit all rights under any contract of hiring, and in their discretion said commission shall have power and authority to take from said hirer the convicts so hired, and rehire the same under the provisions of this act.

SEC. 8. The commission shall have erected on said land so purchased [purchased for a prison farm] suitable buildings, stockades, and appurtenances for the safe-keeping and care of the following classes of convicts: Females, boys under 15 years of age, and such aged, infirm or diseased convicts as, in the judgment of the commission, should not be hired out: *Provided*, That the commission shall have power and authority, in its discretion, to take from any hirer any convict whom they have hired out and to place such convict upon the farm herein provided for, relieving such hirer of that part of the hire of such convict for the time during which such hirer is thus deprived of the services of such convict: *Provided further*, That said commission shall likewise have power and authority, in its discretion, to take from said farm any boy upon his reaching the age of 15, or thereafter, and hiring him out as other convicts are to be hired under the provisions of this act. The commission shall sell, to the best advantage, all surplus products of the penitentiary, and shall apply the proceeds thereof to the maintenance of the institution as far as necessary. Should any surplus funds arise from this source they shall be paid into the State treasury annually, and the commission shall, at the end of each quarter, make to the governor a detailed report of all such transactions: *Provided*, The commission shall have authority to furnish such surplus products, or any part thereof, to the State Asylum for the Insane at Milledgeville, the Academy for the Blind at Macon, and to the School for the Deaf at Cave Spring, should this be found practicable.

SEC. 9. If by reason of the forfeiture of any lease contract now in existence any portion of the convicts should be retaken by the State from the present lessees before the lease contract expires, the commission may, in their discretion, place said convicts so retaken upon said land, making suitable arrangements for their care and maintenance, and utilize their labor in erecting the buildings, stockades, and appurtenances heretofore provided for, or such other labor as the commission deem profitable; or if equitable arrangements can be made with any of said lessees whereby the State may resume control of such portion of the convicts as may be needed for this purpose, the commission is authorized to make such arrangements and use said convicts in the manner and for the purpose specified, but no such arrangement shall be made unless it will be cheaper to the State than free labor.

SEC. 10. Should the authorities of any county or any municipal corporation in this State desire to utilize any number of State or felony convicts on the public roads or works in their respective counties or municipal corporations, said authorities may file with said commission a requisition stating the number wanted, the kind of work to be done, and the term for which they will be wanted, which requisition must be filed with said board by the 10th day of August, 1898, and said commission is hereby authorized to furnish said county authorities the number so required. After the year 1898 the said requisitions shall be filed by the commission in the order in which same are received, and the convicts furnished thereon as the commission

may be able, respect being had to the amount offered. The convicts furnished under this section shall be short-term (not over two years) men, and physically able to do the work required of them. In no event shall any county be furnished with felony convicts whose authorities fail to work its own misdemeanor convicts on the public roads or public works. Should such requisition be made, and the convicts furnished, the county or municipal authorities shall provide, without cost to the State, all transportation, maintenance, guards, and other necessities, and shall pay to the State not less than \$36 per annum for each convict, to be collected and applied as the hire of convicts as hereinafter provided. The said convicts shall be governed and controlled by the rules and regulations provided by the commission.

SEC. 11. At the same time that advertisements are published for the purchase of land, as provided by section 8 of this act, said commission shall run a similar advertisement offering for hire, for terms not longer than 5 years, all the convicts not embraced in section 8 of this act, and not furnished the county authorities, as provided by section 10, to be employed at any labor consistent with reasonable punishment and the physical ability of the convicts: *Provided*, That the convicts shall, as far as possible consistent with the best interests of the State, be so worked that the products of their labor shall come least in competition with that of free labor: *Provided further*, That in no case shall convicts be worked in factories where women are employed; the State furnishing all guards, physicians, the hirer furnishing transportation, maintenance, medicine, clothing, and all other necessities, and such buildings as may be required (which shall be stated in the advertisement), and paying quarterly for the annual labor of the convicts at an agreed price per annum per capita. At the time fixed in said advertisement the commission shall award said convicts, or any of them, to the bidder or bidders who offer the highest and best price for the labor, but may reject any and all of said bids, and may make any other contract of hiring on the plan specified which, in their judgment, will carry out the intentions of this act and subserve the best interests of the State. Any hirer shall have the right to sublet, by and with the consent of the commission, any number or all the convicts hired by him, provided that there shall be no additional expense to the State. The commission, in hiring the convicts, may contract with one or more persons or companies, but no bids for less than 50 nor more than 500 convicts shall be received; and all convicts sentenced after April 1, 1899, to the penitentiary shall be disposed of by the commission under and by virtue of the provisions of this act.

SEC. 13. Upon the expiration of the present lease contract, the commission shall place upon the property purchased the females, who shall be put at such labor as is best suited to their sex and strength. They shall also place upon said farm or farms all boys under 15 years of age, who shall be put at such work as is best suited to their strength and age, making provisions for such moral and manual training as may be conducive to their reformation and restoration to good citizenship. Such aged, infirm, or diseased convicts as in the judgment of the commission should not be hired out, and such others as may be needed or reserved by said commission, shall be put at such labor as the commission may direct. The convicts required by the county or municipal authorities for public works therein shall be delivered to said county or municipal authorities, and the residue shall be put at labor on the contracts of hiring made as herein provided.

SEC. 17. All laws and parts of laws in conflict with this act are hereby repealed.
Approved December 21, 1897.

TEXAS.

ACTS OF 1897, SPECIAL SESSION.

CHAPTER 6.—*Liability of railroad companies for injuries of employees.*

SECTION 1. Every person, receiver, or corporation operating a railroad or street railway the line of which shall be situated in whole or in part in this State, shall be liable for all damages sustained by any servant or employee thereof while engaged in the work of operating the cars, locomotives, or trains of such person, receiver, or corporation, by reason of the negligence of any other servant or employee of such person, receiver, or corporation, and the fact that such servants or employees were fellow-servants with each other shall not impair or destroy such liability.

SEC. 2. All persons engaged in the service of any person, receiver, or corporation, controlling or operating a railroad or street railway the line of which shall be situated in whole or in part in this State, who are intrusted by such person, receiver, or corporation with the authority of superintendence, control, or command of other servants or employees of such person, receiver, or corporation, or with the auth

to direct any other employee in the performance of any duty of such employee, are vice principals of such person, receiver, or corporation, and are not fellow-servants with their coemployees.

SEC. 3. All persons who are engaged in the common service of such person, receiver, or corporation, controlling or operating a railroad or street railway, and who while so employed are in the same grade of employment and are doing the same character of work or service and are working together at the same time and place and at the same piece of work and to a common purpose, are fellow-servants with each other. Employees who do not come within the provisions of this section shall not be considered fellow-servants.

SEC. 4. No contract made between the employer and employee based upon the contingency of death or injury of the employee and limiting the liability of the employer under this act or fixing damages to be recovered shall be valid or binding.

SEC. 5. Nothing in this act shall be held to impair or diminish the defense of contributory negligence when the injury of the servant or employee is caused proximately by his own contributory negligence.

SEC. 6. The short duration of the special session of the legislature, and the fact that the existing fellow-servant law is inadequate to accomplish its purposes, and the fact that a large portion of our citizens have no adequate remedy for personal injuries sustained, create an emergency, and an imperative public necessity exists, that the constitutional rule requiring bills to be read on three several days be, and the same is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved June 18, 1897.

[NOTE.—The foregoing act passed the senate by a vote of yeas 20, nays 5; and passed the house by a vote of yeas 64, nays 40.]

WISCONSIN.

ACTS OF 1897.

CHAPTER 155.—*Marking convict-made goods.*

SECTION 1. All goods, wares and merchandise made by convict labor in any penitentiary, prison, reformatory or other establishment in which convict labor is employed in any State, except the State of Wisconsin, and imported, brought or introduced into the State of Wisconsin, shall before being exposed for sale, be branded, labeled or marked as hereinafter provided, and shall not be exposed for sale in any place within this State without such brand, label or mark.

SEC. 2. The brand, label or mark hereby required, shall contain at the head or top thereof the words "convict-made," followed by the year and name of the penitentiary, prison, reformatory or other establishment in which it was made, in plain English lettering, of the style and size known as great primer Roman condensed capitals. The brand or mark shall in all cases, where the nature of the article will permit, be placed upon the same, and only where such branding or marking is impossible shall a label be used, and where a label is used it shall be in the form of a paper tag, which shall be attached by wire to each article where the nature of the article will permit, and placed securely upon the box, crate or other covering in which such goods, wares or merchandise may be packed, shipped or exposed for sale. Said brand, mark or label shall be placed upon the outside of and upon the most conspicuous part of the finished article and its box, crate or covering.

SEC. 3. It shall be the duty of the commissioner of labor statistics and the district attorneys of the several counties to enforce the provisions of this act, and when, upon complaint or otherwise, the commissioner of labor statistics has reason to believe that this act is being violated, he shall advise the district attorney of the county wherein such alleged violation has occurred, of that fact, giving the information in support of his conclusions, and such district attorney shall at once institute the proper legal proceedings to compel compliance with this act.

SEC. 4. A person knowingly having in his possession for the purpose of sale, or offering for sale, any convict-made goods, wares or merchandise, manufactured in any State, except the State of Wisconsin, without the brand, mark or label, required by law, or who removes or defaces such brand, mark or label, is guilty of a misdemeanor, punishable by a fine of not less than one hundred dollars, nor more than five hundred dollars, in the discretion of the court.

SEC. 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1897.

CHAPTER 258.—*Board of arbitration and conciliation.*

SECTION 1. Section 1, of chapter 364, of the laws of 1895, is hereby amended by adding at the end of said section the following: All requests and communications intended for said board may be addressed to the governor at Madison, who shall at once refer the same to the said board for their action.

SEC. 2. Section 3, of said chapter 364, of the laws of 1895, is hereby amended by striking out the word "shall" in the eighth line of said section and inserting in place thereof, the words "may without any application therefor and;" and further by inserting after the word "thereafter" in the tenth line of said section, the word "shall," so that said section when so amended shall read as follows: Section 3. Whenever any controversy or difference not the subject of litigation in the courts of this State exists between an employer, whether an individual, copartnership or corporation, and his employees, if at the time he employs not less than twenty-five persons in the same general line of business in any city, village or town in this State, said board may, without any application therefor, and upon application as hereinafter provided, and as soon as practicable thereafter, [shall] visit the locality of the dispute and make careful inquiry into the case thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, should be done or submitted to by either or both to adjust said dispute, and make a written decision thereof. This decision shall at once be made public, shall be published in two or more newspapers published in the locality of such dispute, shall be recorded upon proper books of record to be kept by the secretary of said board, and a succinct statement thereof, published in the annual report hereinafter provided for, and said board shall cause a copy of such decision to be filed with the clerk of the city, village or town where said business is carried on.

SEC. 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1897.

CHAPTER 338.—*Examination, licensing, etc., of plumbers.*

SECTION 1. No person, firm or corporation engaged in or working at the business of plumbing, in cities of the first, second and third class, shall hereafter engage in or work at said business in this State, either as a master or employing plumber, or as a journeyman plumber, unless such person, firm or corporation, first receives a license therefor, in accordance with the provisions of this act.

SEC. 2. Any person desiring to engage in or work at the business of plumbing, either as a master or employing plumber, or as a journeyman plumber, shall apply to the board of public works where such exist, or the board of health having jurisdiction in the locality where he intends to engage in or work at such business, and shall, at such time and place as may be designated by the board of examiners hereinafter provided for, to whom such application shall be referred, be examined as to his qualifications for such business. In case of a firm or corporation, the examination and licensing of any one member of the firm or the manager of the corporation, shall satisfy the requirements of this act.

SEC. 3. There will be in every city of the first, second and third class, having a system of water supply or sewerage, a board of examiners of plumbers, consisting of the board of public works, or where such board does not exist, the chairman of the board of health, and in cities having an inspector of plumbing, the inspector of plumbing of said city, who shall be member ex officio of said board, and serve without compensation, and a third member who shall be a practical plumber. Said third member shall be appointed by the mayor of said city within three months from the passage of this act, for the term of one year from the first day of May, in the year of appointment, and thereafter annually before the first day of May, and who will act without compensation: *Provided*, That if, in any city there is no board of public works or inspector of plumbing, said board of health shall appoint a second member of said board of examiners who shall be a practical plumber, who shall also act without compensation.

SEC. 4. Said board of examiners shall, as soon as may be after the appointment of said third member, meet and organize by the selection of a chairman, and shall then designate the times and places for the examination of all applicants desiring to engage in or work at the business of plumbing within their respective jurisdiction. Said board shall examine said applicants as to their practical knowledge of plumbing, house drainage and plumbing ventilation, and if satisfied of the competency of the applicants, shall so certify to the board of public works or to the board of health or inspector of plumbing, as the case may be, in their respective city. Said board of examiners shall thereupon issue a license to such applicant authorizing him to engage in or work at the business of plumbing, as master plumber, or employing

to direct any other employee in the performance of any duty of such employee, are vice principals of such person, receiver, or corporation, and are not fellow-servants with their coemployees.

SEC. 3. All persons who are engaged in the common service of such person, receiver, or corporation, controlling or operating a railroad or street railway, and who while so employed are in the same grade of employment and are doing the same character of work or service and are working together at the same time and place and at the same piece of work and to a common purpose, are fellow-servants with each other. Employees who do not come within the provisions of this section shall not be considered fellow-servants.

SEC. 4. No contract made between the employer and employee based upon the contingency of death or injury of the employee and limiting the liability of the employer under this act or fixing damages to be recovered shall be valid or binding.

SEC. 5. Nothing in this act shall be held to impair or diminish the defense of contributory negligence when the injury of the servant or employee is caused proximately by his own contributory negligence.

SEC. 6. The short duration of the special session of the legislature, and the fact that the existing fellow-servant law is inadequate to accomplish its purposes, and the fact that a large portion of our citizens have no adequate remedy for personal injuries sustained, create an emergency, and an imperative public necessity exists, that the constitutional rule requiring bills to be read on three several days be, and the same is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved June 18, 1897.

[NOTE.—The foregoing act passed the senate by a vote of yeas 20, nays 5; and passed the house by a vote of yeas 64, nays 40.]

WISCONSIN.

ACTS OF 1897.

CHAPTER 155.—*Marking convict-made goods.*

SECTION 1. All goods, wares and merchandise made by convict labor in any penitentiary, prison, reformatory or other establishment in which convict labor is employed in any State, except the State of Wisconsin, and imported, brought or introduced into the State of Wisconsin, shall before being exposed for sale, be branded, labeled or marked as hereinafter provided, and shall not be exposed for sale in any place within this State without such brand, label or mark.

SEC. 2. The brand, label or mark hereby required, shall contain at the head or top thereof the words "convict-made," followed by the year and name of the penitentiary, prison, reformatory or other establishment in which it was made, in plain English lettering, of the style and size known as great primer Roman condensed capitals. The brand or mark shall in all cases, where the nature of the article will permit, be placed upon the same, and only where such branding or marking is impossible shall a label be used, and where a label is used it shall be in the form of a paper tag, which shall be attached by wire to each article where the nature of the article will permit, and placed securely upon the box, crate or other covering in which such goods, wares or merchandise may be packed, shipped or exposed for sale. Said brand, mark or label shall be placed upon the outside of and upon the most conspicuous part of the finished article and its box, crate or covering.

SEC. 3. It shall be the duty of the commissioner of labor statistics and the district attorneys of the several counties to enforce the provisions of this act, and when, upon complaint or otherwise, the commissioner of labor statistics has reason to believe that this act is being violated, he shall advise the district attorney of the county wherein such alleged violation has occurred, of that fact, giving the information in support of his conclusions, and such district attorney shall at once institute the proper legal proceedings to compel compliance with this act.

SEC. 4. A person knowingly having in his possession for the purpose of sale, or offering for sale, any convict-made goods, wares or merchandise, manufactured in any State, except the State of Wisconsin, without the brand, mark or label, required by law, or who removes or defaces such brand, mark or label, is guilty of a misdemeanor, punishable by a fine of not less than one hundred dollars, nor more than five hundred dollars, in the discretion of the court.

SEC. 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1897.

CHAPTER 258.—*Board of arbitration and conciliation.*

SECTION 1. Section 1, of chapter 364, of the laws of 1895, is hereby amended by adding at the end of said section the following: All requests and communications intended for said board may be addressed to the governor at Madison, who shall at once refer the same to the said board for their action.

SEC. 2. Section 3, of said chapter 364, of the laws of 1895, is hereby amended by striking out the word "shall" in the eighth line of said section and inserting in place thereof, the words "may without any application therefor and;" and further by inserting after the word "thereafter" in the tenth line of said section, the word "shall," so that said section when so amended shall read as follows: Section 3. Whenever any controversy or difference not the subject of litigation in the courts of this State exists between an employer, whether an individual, copartnership or corporation, and his employees, if at the time he employs not less than twenty-five persons in the same general line of business in any city, village or town in this State, said board may, without any application therefor, and upon application as hereinafter provided, and as soon as practicable thereafter, [shall] visit the locality of the dispute and make careful inquiry into the case thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, should be done or submitted to by either or both to adjust said dispute, and make a written decision thereof. This decision shall at once be made public, shall be published in two or more newspapers published in the locality of such dispute, shall be recorded upon proper books of record to be kept by the secretary of said board, and a succinct statement thereof, published in the annual report hereinafter provided for, and said board shall cause a copy of such decision to be filed with the clerk of the city, village or town where said business is carried on.

SEC. 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1897.

CHAPTER 338.—*Examination, licensing, etc., of plumbers.*

SECTION 1. No person, firm or corporation engaged in or working at the business of plumbing, in cities of the first, second and third class, shall hereafter engage in or work at said business in this State, either as a master or employing plumber, or as a journeyman plumber, unless such person, firm or corporation, first receives a license therefor, in accordance with the provisions of this act.

SEC. 2. Any person desiring to engage in or work at the business of plumbing, either as a master or employing plumber, or as a journeyman plumber, shall apply to the board of public works where such exist, or the board of health having jurisdiction in the locality where he intends to engage in or work at such business, and shall, at such time and place as may be designated by the board of examiners hereinafter provided for, to whom such application shall be referred, be examined as to his qualifications for such business. In case of a firm or corporation, the examination and licensing of any one member of the firm or the manager of the corporation, shall satisfy the requirements of this act.

SEC. 3. There will be in every city of the first, second and third class, having a system of water supply or sewerage, a board of examiners of plumbers, consisting of the board of public works, or where such board does not exist, the chairman of the board of health, and in cities having an inspector of plumbing, the inspector of plumbing of said city, who shall be member ex officio of said board, and serve without compensation, and a third member who shall be a practical plumber. Said third member shall be appointed by the mayor of said city within three months from the passage of this act, for the term of one year from the first day of May, in the year of appointment, and thereafter annually before the first day of May, and who will act without compensation: *Provided*, That if, in any city there is no board of public works or inspector of plumbing, said board of health shall appoint a second member of said board of examiners who shall be a practical plumber, who shall also act without compensation.

SEC. 4. Said board of examiners shall, as soon as may be after the appointment of said third member, meet and organize by the selection of a chairman, and shall then designate the times and places for the examination of all applicants desiring to engage in or work at the business of plumbing within their respective jurisdiction. Said board shall examine said applicants as to their practical knowledge of plumbing, house drainage and plumbing ventilation, and if satisfied of the competency of the applicants, shall so certify to the board of public works or to the board of health or inspector of plumbing, as the case may be, in their respective city. Said board of examiners shall thereupon issue a license to such applicant authorizing him to engage in or work at the business of plumbing, as master plumber, or employing

to direct any other employee in the performance of any duty of such employee, are vice principals of such person, receiver, or corporation, and are not fellow-servants with their coemployees.

SEC. 3. All persons who are engaged in the common service of such person, receiver, or corporation, controlling or operating a railroad or street railway, and who while so employed are in the same grade of employment and are doing the same character of work or service and are working together at the same time and place and at the same piece of work and to a common purpose, are fellow-servants with each other. Employees who do not come within the provisions of this section shall not be considered fellow-servants.

SEC. 4. No contract made between the employer and employee based upon the contingency of death or injury of the employee and limiting the liability of the employer under this act or fixing damages to be recovered shall be valid or binding.

SEC. 5. Nothing in this act shall be held to impair or diminish the defense of contributory negligence when the injury of the servant or employee is caused proximately by his own contributory negligence.

SEC. 6. The short duration of the special session of the legislature, and the fact that the existing fellow-servant law is inadequate to accomplish its purposes, and the fact that a large portion of our citizens have no adequate remedy for personal injuries sustained, create an emergency, and an imperative public necessity exists, that the constitutional rule requiring bills to be read on three several days be, and the same is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved June 18, 1897.

[NOTE.—The foregoing act passed the senate by a vote of yeas 20, nays 5; and passed the house by a vote of yeas 64, nays 40.]

WISCONSIN.

ACTS OF 1897.

CHAPTER 155.—*Marking convict-made goods.*

SECTION 1. All goods, wares and merchandise made by convict labor in any penitentiary, prison, reformatory or other establishment in which convict labor is employed in any State, except the State of Wisconsin, and imported, brought or introduced into the State of Wisconsin, shall before being exposed for sale, be branded, labeled or marked as hereinafter provided, and shall not be exposed for sale in any place within this State without such brand, label or mark.

SEC. 2. The brand, label or mark hereby required, shall contain at the head or top thereof the words "convict-made," followed by the year and name of the penitentiary, prison, reformatory or other establishment in which it was made, in plain English lettering, of the style and size known as great primer Roman condensed capitals. The brand or mark shall in all cases, where the nature of the article will permit, be placed upon the same, and only where such branding or marking is impossible shall a label be used, and where a label is used it shall be in the form of a paper tag, which shall be attached by wire to each article where the nature of the article will permit, and placed securely upon the box, crate or other covering in which such goods, wares or merchandise may be packed, shipped or exposed for sale. Said brand, mark or label shall be placed upon the outside of and upon the most conspicuous part of the finished article and its box, crate or covering.

SEC. 3. It shall be the duty of the commissioner of labor statistics and the district attorneys of the several counties to enforce the provisions of this act, and when, upon complaint or otherwise, the commissioner of labor statistics has reason to believe that this act is being violated, he shall advise the district attorney of the county wherein such alleged violation has occurred, of that fact, giving the information in support of his conclusions, and such district attorney shall at once institute the proper legal proceedings to compel compliance with this act.

SEC. 4. A person knowingly having in his possession for the purpose of sale, or offering for sale, any convict-made goods, wares or merchandise, manufactured in any State, except the State of Wisconsin, without the brand, mark or label, required by law, or who removes or defaces such brand, mark or label, is guilty of a misdemeanor, punishable by a fine of not less than one hundred dollars, nor more than five hundred dollars, in the discretion of the court.

SEC. 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1897.

CHAPTER 258.—*Board of arbitration and conciliation.*

SECTION 1. Section 1, of chapter 364, of the laws of 1895, is hereby amended by adding at the end of said section the following: All requests and communications intended for said board may be addressed to the governor at Madison, who shall at once refer the same to the said board for their action.

SEC. 2. Section 3, of said chapter 364, of the laws of 1895, is hereby amended by striking out the word "shall" in the eighth line of said section and inserting in place thereof, the words "may without any application therefor and;" and further by inserting after the word "thereafter" in the tenth line of said section, the word "shall," so that said section when so amended shall read as follows: Section 3. Whenever any controversy or difference not the subject of litigation in the courts of this State exists between an employer, whether an individual, copartnership or corporation, and his employees, if at the time he employs not less than twenty-five persons in the same general line of business in any city, village or town in this State, said board may, without any application therefor, and upon application as hereinafter provided, and as soon as practicable thereafter, [shall] visit the locality of the dispute and make careful inquiry into the case thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, should be done or submitted to by either or both to adjust said dispute, and make a written decision thereof. This decision shall at once be made public, shall be published in two or more newspapers published in the locality of such dispute, shall be recorded upon proper books of record to be kept by the secretary of said board, and a succinct statement thereof, published in the annual report hereinafter provided for, and said board shall cause a copy of such decision to be filed with the clerk of the city, village or town where said business is carried on.

SEC. 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1897.

CHAPTER 338.—*Examination, licensing, etc., of plumbers.*

SECTION 1. No person, firm or corporation engaged in or working at the business of plumbing, in cities of the first, second and third class, shall hereafter engage in or work at said business in this State, either as a master or employing plumber, or as a journeyman plumber, unless such person, firm or corporation, first receives a license therefor, in accordance with the provisions of this act.

SEC. 2. Any person desiring to engage in or work at the business of plumbing, either as a master or employing plumber, or as a journeyman plumber, shall apply to the board of public works where such exist, or the board of health having jurisdiction in the locality where he intends to engage in or work at such business, and shall, at such time and place as may be designated by the board of examiners hereinafter provided for, to whom such application shall be referred, be examined as to his qualifications for such business. In case of a firm or corporation, the examination and licensing of any one member of the firm or the manager of the corporation, shall satisfy the requirements of this act.

SEC. 3. There will be in every city of the first, second and third class, having a system of water supply or sewerage, a board of examiners of plumbers, consisting of the board of public works, or where such board does not exist, the chairman of the board of health, and in cities having an inspector of plumbing, the inspector of plumbing of said city, who shall be member ex officio of said board, and serve without compensation, and a third member who shall be a practical plumber. Said third member shall be appointed by the mayor of said city within three months from the passage of this act, for the term of one year from the first day of May, in the year of appointment, and thereafter annually before the first day of May, and who will act without compensation: *Provided*, That if, in any city there is no board of public works or inspector of plumbing, said board of health shall appoint a second member of said board of examiners who shall be a practical plumber, who shall also act without compensation.

SEC. 4. Said board of examiners shall, as soon as may be after the appointment of said third member, meet and organize by the selection of a chairman, and shall then designate the times and places for the examination of all applicants desiring to engage in or work at the business of plumbing within their respective jurisdiction. Said board shall examine said applicants as to their practical knowledge of plumbing, house drainage and plumbing ventilation, and if satisfied of the competency of the applicants, shall so certify to the board of public works or to the board of health or inspector of plumbing, as the case may be, in their respective city. Said board of examiners shall thereupon issue a license to such applicant authorizing him to engage in or work at the business of plumbing, as master plumber, or employing

plumber, or as a journeyman plumber. The fee for a license for a master or employing plumber shall be two dollars; for a journeyman plumber it shall be fifty cents. Said license shall be renewed annually upon payment of a fee of fifty cents. All moneys accruing from such fees to be paid into the treasury of the city where such licenses are issued. In case of removal beyond the jurisdiction of the board of examiners issuing the original license, it may be renewed by any board having like authority. A license granted by a board of examiners shall entitle the holder to practice in all parts of the State of Wisconsin unless the local board where said work is being done shall object, in which event said plumber shall be examined by said local board according to this act.

SEC. 5. The board of public works where such board exists, or the board of health of each city, mentioned in section 3, of this act, shall, within three months from the passage of this act, appoint one or more inspectors of plumbing, who shall be practical plumbers, and who shall hold office until removed by said board for cause of *[sic]* which must be shown. The compensation of such inspector or inspectors shall be determined by the board appointing them, and be paid from the treasury of their respective cities. Said inspector or inspectors shall inspect all plumbing work for which permits are hereafter granted in their respective jurisdiction, in process of construction, alteration or repair; and shall report to said board all violations of any law, ordinance or by-law, relating to plumbing work, and also perform such other appropriate duties as may be required.

SEC. 6. Each city of the first, second and third class, having a system of water supply or sewerage, shall, by ordinance or by-law, within six months from the passage of this act, prescribe rules and regulations for the materials, construction, alteration and inspection of all pipes, faucets, tanks, valves and other fixtures, by and through which supply or waste water or sewerage is used and carried, and provide that no such pipes, tanks, faucets, valves or other fixtures shall be placed in any building in such city, except in accordance with plans which shall be approved by the board of public works, where such board exists, or the board of health of such city, or such person or persons as either of said boards may designate; and shall further provide that no plumbing work shall be done, except in case of repair leaks, without a permit being first issued therefor, upon such terms and conditions as such city shall prescribe.

SEC. 7. Any person violating any provision of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine not exceeding fifty dollars for each and every violation thereof, and his license may be revoked by the examining board provided for in section 3, of this act.

SEC. 8. All acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 9. This act shall take effect and be [in] force within and after six months after the passage of this bill.

Approved April 21, 1897.

CHAPTER 375.—*Regulation, etc., of bakeries.*

SECTION 1. All buildings occupied as biscuit, bread and cake bakeries shall be so drained and shall be provided with such a system of plumbing as shall conduce to the proper and healthful condition thereof.

SEC. 2. Every room used for the manufacture of flour or meal food products shall have, if deemed necessary by the authority vested with the enforcement of this act, an impermeable floor of hard wood, properly saturated with linseed oil. The side walls and ceiling of such rooms shall be plastered or wainscoted, and shall be white-washed at least once in six months. The furniture and utensils in such rooms shall be so arranged that the furniture and floor may at all times be kept clean and in a proper and healthful sanitary condition.

SEC. 3. The manufactured or meal food products shall be kept in perfectly dry and airy rooms, so arranged that the floors, shelves and all other facilities for storing the same can be easily and perfectly cleansed.

SEC. 4. Every such bakery shall be provided with a proper wash-room, soap and towel, and water-closet or closets, with ventilation, apart from the bake-room or rooms where the manufacturing of such food products is conducted; and no water-closet, earth closet, privy or ash-pit shall be within or communicate directly with the bake-room of any bakery.

SEC. 5. The sleeping places for the persons employed in a bakery shall be separate from the room or rooms where flour or meal food products are manufactured or stored.

SEC. 6. Any person who violates any of the provisions of this law, or refuses to comply with any of the requirements of the authority vested with its enforcement, as provided herein, shall be guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than twenty or more than fifty dollars for a first offense, and for a second offense by a fine of not less than fifty nor more than one

hundred dollars, or by imprisonment for not more than ten days, and for the third offense and every succeeding offense by a fine of not less than two hundred and fifty dollars and by imprisonment for not more than six months, or by both such fine and imprisonment.

SEC. 7. The owner, agent or lessee of any property affected by the provisions of sections one, two or four, of this act, shall, within sixty days after service of notice requiring any alteration to be made in or upon such premises, comply therewith. Such notice shall be in writing, and may be served upon such owner, agent or lessee, either personally or by mail; and a notice mailed to the last known address of such owner, agent or lessee shall be deemed sufficient for the purposes of this act.

SEC. 8. The board of health of a city or town in which a bakery is situated, or in which the business regulated by this act is carried on, may enforce the provisions of this act and may cause copies of the same to be printed and posted in all bakeries and places in which such business is carried on within their respective jurisdictions.

SEC. 9. This law is to take effect from and after the date of its passage, and all laws and parts of laws inconsistent herewith are hereby repealed.

[Note by the secretary of state.—The foregoing act having been presented to the governor for his approval, and such approval having been withheld, said act was returned by him to the house of the legislature in which it was originated; it was then passed over his veto by a vote of 21 ayes, and 8 noes in the senate; it was refused passage over governor's veto in the assembly by a vote of 56 ayes, and 31 noes; said vote in the assembly was reconsidered and action of the senate concurred in by a vote of 52 ayes, and 26 noes. Said act has been deposited in this department as a law without the governor's approval, as prescribed in the constitution.—Henry Casson, Secretary of State. August 21, 1897.]

UNITED STATES.

ACTS OF 1897, FIRST SESSION FIFTY-FIFTH CONGRESS.

CHAPTER 11.—*Importation of foreign convict-made goods.*

SECTION 31. All goods, wares, articles, and merchandise manufactured wholly or in part in any foreign country by convict labor shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision.

Approved July 24, 1897.

RECENT GOVERNMENT CONTRACTS.

[The Secretaries of the Treasury, War, and Navy Departments have consented to furnish statements of all contracts for constructions and repairs entered into by them. These, as received, will appear from time to time in the Bulletin.]

The following contracts have been made by the office of the Supervising Architect of the Treasury:

SAVANNAH, GA.—April 30, 1898. Contract with the Anderson Construction Company, St. Louis, Mo., for interior finish, plumbing, gas piping, and approaches for court-house and post-office, \$76,997. Work to be completed within six months.

PORTLAND, OREG.—May 11, 1898. Contract with Bentley Construction Company, Milwaukee, Wis., for foundation, superstructure, roof covering, and approaches for custom-house, \$347,385. Snake River, Oregon, granite to be used. Work to be completed within sixteen months.

SAN FRANCISCO, CAL.—June 25, 1898. Contract with Thomas Marshall, Pittsburg, Pa., for constructive steel work, roof framing, etc., for court-house, post-office, etc., \$154,715.10. Work to be completed before March 1, 1899.

KANSAS CITY, MO.—July 5, 1898. Contract with Empire Fire Proofing Company, Chicago, Ill., for rear wall, steel and iron work, skylights, brick and terra-cotta arches, with concrete filling over same, and brick and terra-cotta partitions for court-house and post-office, \$42,500. Work to be completed within six months.

CHEYENNE, WYO.—July 7, 1898. Contract with Keefe & Bradley for excavation, foundation, basement, and area walls, first floor steel beams, girders, lintels, galvanized-iron flue linings, etc., catch-basins, manholes, sewer connections, etc., for United States public building, \$31,800. Work to be completed within four months.

BULLETIN

OF THE

DEPARTMENT OF LABOR.

No. 18—SEPTEMBER, 1898.

ISSUED EVERY OTHER MONTH.

EDITED BY
CARROLL D. WRIGHT,
COMMISSIONER.

OREN W. WEAVER,
CHIEF CLERK.

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BULLETIN
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DEPARTMENT OF LABOR.

No. 18.

WASHINGTON.

SEPTEMBER, 1898.

WAGES IN THE UNITED STATES AND EUROPE, 1870 TO 1898.

In order to secure original wage data for certain skilled trades for leading cities in this country and some of the industrial centers in Europe, the Department some time ago invited the cooperation of the head of the labor department in England and the chiefs of the bureaus of labor of France and Belgium. These gentlemen very kindly consented to supervise the collection of the facts required. The results are presented herewith. Our most cordial acknowledgments are due to H. Llewellyn Smith, esq., commissioner for labor of England; M. O. Moron, chief of the bureau of labor of France, and M. O. Morisseaux, chief of the bureau of labor of Belgium. The care exercised by these gentlemen has resulted in furnishing the Department with some very accurate information. The tables which follow are the results of their efforts so far as Great Britain, France, and Belgium are concerned, and of recent original inquiries by the agents and experts of this Department so far as the cities in the United States are concerned.

This article does not in any way deal with prices. Prices from a period, in most cases, earlier than 1870 up to October, 1892, are shown, by years, in the report made in 1893 by the Senate finance committee (Wholesale Prices, Wages, and Transportation). Probably since 1892 the tendency has been slightly downward. It is not therefore necessary to discuss prices in connection with the wage rates given. If prices on the whole are stationary and wages have increased, every such increase means greater purchasing power of a day's work. If at the same time there is a decrease in prices the increase in the purchasing power of a day's work is so much the greater.

These statements should be considered when the tables presented are being studied.

It will be noticed that the occupations included in the tables are such as are susceptible of accurate definition, and thus may readily be found in all the countries mentioned. The difficulty of determining the equivalent in foreign countries of the various occupations known to us has necessarily limited the number covered. In all, 25 occupations were selected, and in most instances quotations for each were secured from at least two establishments in each city. The data are from firms that have existed and have done business continuously since 1870, and the facts in most instances, in accordance with the rule of the Department, have been taken directly from the pay rolls. Thus continuous and accurate returns for the period covered have been made possible, greatly enhancing the value of the tables, which, in the brief form here given, are the result of a large amount of data showing for each occupation and each year the number of employees working on full time and receiving each specified rate of pay. This information in its detail is exceedingly interesting, but almost 400 pages of the Bulletin would have been required for its publication, and for this reason only the briefer summaries of this mass of data are shown in the tables which follow.

The cities of Baltimore, Boston, Chicago, Cincinnati, New Orleans, New York, Philadelphia, Pittsburg and Allegheny, Richmond, St. Louis, St. Paul, and San Francisco have been covered in the United States, and the period comprises the years from 1870 to 1898, while abroad wages were secured from London and Manchester in England, Glasgow in Scotland, Paris in France, and Liege in Belgium, the years covered being those from 1870 to 1896. Owing to the difficulties and delay in securing foreign wages, no data for 1897 and 1898 were obtained.

Table I gives the actual average daily wages in the 25 selected occupations from 1870 to 1898, inclusive, in each of the 12 cities in the United States just mentioned, as shown by the summing up of the many quotations of individual rates paid, which were secured in most instances directly from the pay rolls of the various establishments. A column has been added, showing for each occupation the average daily wages for the 12 selected cities combined. These averages do not represent the average wages paid in the specified occupations for the entire country, but are simply averages of the items given. Being for the larger industrial centers only, the average is probably somewhat higher than that for the entire country. Agreement as to what might fairly be called an average for the entire country would be extremely difficult, and any method of arriving at such might be open to criticism. A request for the average daily wages of blacksmiths in the United States in 1882, for example (and such requests are frequent), could hardly be given a statistical reply, or one not open to misunderstanding, but a reply that the average for 12 of the leading industrial centers was \$2.04½ would be a reply at once definite and susceptible of no misunderstanding.

such needs these averages have been given.

In studying Table I it should be borne in mind that wages for the United States, as originally taken from the pay rolls by the agents of the Department, were (except for San Francisco) in currency, and that during the period from 1870 to 1878, inclusive, this money was considerably depreciated. In order that a strictly accurate comparison, therefore, may be made between these earlier years and the years from 1879 forward due allowance has been made for such depreciation, and the figures given for these years are those secured by a reduction of the original currency wages to their equivalent in gold. In converting wages in currency into wages in gold the value of \$100 gold in currency for January of each year from 1870 to 1877 and the average value for the entire year 1878, as given in the *American Almanac* for 1879, have been used, as follows: 1870, \$121.3; 1871, \$110.7; 1872, \$109.1; 1873, \$112.7; 1874, \$111.4; 1875, \$112.5; 1876, \$112.8; 1877, \$106.2, and 1878, \$101.4.

Table II contains the result of the investigation into the wages paid in foreign countries, showing the actual average daily wages paid in certain occupations from 1870 to 1896, inclusive, in London, Manchester, Glasgow, Paris, and Liege, as deduced from the quotations of individual rates from these cities. These wages are, of course, given in gold, and occupations may safely be compared with the same occupations as shown for the United States in Table I. As the reports of wages in Liege for boiler makers, boiler makers' helpers, carpenters, hod carriers, machinists, masons (stone), plumbers, and stonecutters do not cover the entire period, such reports could not be used in computing the general average of wages for the city shown for each year in the table on page 668. For the same reason the report of wages for blacksmiths in London could not be used in computing the general average for Great Britain.

It is not claimed that the absolute increase or decrease in wage rates for all industries can be assumed as the result of these inquiries. Statements must be taken as relating to the particular trades specified. Nevertheless, the conditions in these trades or callings are quite indicative of the general course of wages in others.

The short summary following shows the results, in compact form, for the four countries covered, Great Britain, France, Belgium, and the United States. The wages for each occupation and city, as shown in Tables I and II, have been used as the basis of this summary, the figures here being simply the averages of the details there shown. The wages shown for the United States, as well as those for Great Britain, France, and Belgium, are expressed in gold. It should be borne in mind that this summary can be safely used only in tracing the course of wages from year to year, and that comparisons should not be instituted between the wages shown here for the different countries. Such comparisons would not be safe, owing to the incompleteness in the foreign data, each average for the United States representing 255 wage quotations, as given in Table I, while

age for Great Britain represents 27 quotations (10 occupations in London, 11 in Manchester, and 6 in Glasgow), each average for Paris, France, represents 21 quotations, and each average for Liege, Belgium, represents 11 quotations. For comparisons between countries in the wages for different occupations Tables I and II should be used.

AVERAGE DAILY WAGES IN GOLD IN CERTAIN CITIES OF THE UNITED STATES, GREAT BRITAIN, FRANCE, AND BELGIUM.

[The figures in this table are simply averages of the details shown in Tables I and II, wherever such details are for the entire period. These averages, therefore, represent in each year for the United States 255 wage quotations; for Great Britain, 27 quotations; for Paris, France, 21 quotations, and for Liege, Belgium, 11 quotations. As the averages for each country therefore represent a different number of occupations, they should not be compared with each other. Such comparison can more properly be made between individual occupations only. This table can best be used only to show the course of wages from year to year.]

Year.	Great Britain.	Paris, France.	Liege, Belgium.	United States.
1870.	\$1.30	\$1.06	\$0.59½	\$2.20½
1871.	1.30½	1.06½	.60½	2.39½
1872.	1.33	1.07½	.61	2.45
1873.	1.35	1.08½	.64	2.35½
1874.	1.36½	1.08½	.65½	2.30½
1875.	1.38	1.11½	.63½	2.24½
1876.	1.40½	1.12	.63	2.18
1877.	1.41½	1.15½	.62½	2.24½
1878.	1.40½	1.16½	.60½	2.30½
1879.	1.37½	1.16½	.61½	2.32
1880.	1.37½	1.21½	.62½	2.34
1881.	1.37½	1.22½	.63½	2.40½
1882.	1.39½	1.24½	.65½	2.44½
1883.	1.40½	1.24½	.65	2.47
1884.	1.40½	1.24½	.64½	2.49
1885.	1.39½	1.24½	.63½	2.47½
1886.	1.39	1.25½	.63	2.47½
1887.	1.39½	1.25½	.62½	2.49½
1888.	1.40	1.25	.63½	2.50½
1889.	1.40½	1.26½	.62½	2.51½
1890.	1.41½	1.31½	.63½	2.52½
1891.	1.43½	1.31½	.65	2.54½
1892.	1.43½	1.31½	.64	2.56
1893.	1.44½	1.32	.64½	2.54½
1894.	1.44½	1.32½	.65½	2.49½
1895.	1.45	1.32½	.65½	2.47½
1896.	1.49	1.33	.66½	2.45½
1897.				2.44½
1898.				2.43½

So far as Great Britain is concerned, it is seen that a gradual increase in wages occurred during the years from 1870 to 1877, the wages in the latter year having reached \$1.41½ against \$1.30 in the former. A slight falling off occurred in 1878, and a still greater drop in 1879 and 1880, \$1.37½ being the wages in these years. From this figure the wages increased to \$1.40½ in 1883, and this rate was maintained in 1884. The years 1885 and 1886 show a slight decrease, after which there is found a steady increase to 1896, when the wages reached \$1.49. With the exception of the year 1888, during which there was a slight decline from the wages of the previous year, the wages for France show a gradual increase from \$1.06 in 1870 to \$1.33 in 1896. The wages in Belgium increased from \$0.59½ in 1870 to \$0.65½ in 1874. In 1875, 1876, 1877, and 1878 they fell slightly, reaching \$0.60½ in 1878. After this there was a gradual rise, which continued through 1879, 1880, 1881, and 1882. Five years of decreasing wages followe

reached in 1887. Several years of rising and falling wages ensued, the figure rising finally to \$0.66½ in 1896.

In the United States there was a rise from \$2.20½, the wages of 1870, to \$2.39½ in 1871 and to \$2.45 in 1872. During the four succeeding years a gradual decline occurred, reaching its lowest point in 1876 in a wage of \$2.18. The next year shows, however, a rise to \$2.24½, and 1878 a further rise to \$2.30½, and a gradual rise continued up to 1884, when the figure was \$2.49. A slight decline occurred in 1885, and continued through 1886, but in 1887 the wages of 1884 had been more than regained, and from this year up to 1892 there was a steady rise, the highest point for the period, \$2.56, being reached in 1892. From this time to 1898 there has been a slight but steady decline, the wages for 1898 being \$2.43½, or \$0.12½ below the high mark of 1892, but 22½ cents above the wages for 1870.

In order that the rise and fall in wages from year to year may be more readily measured, the increase or decrease of average actual wages given in the preceding table has been expressed in percentages, 1870 being taken as the basis, and the percentage of increase or decrease for each year thereafter (from 1871 to 1898) shown in the following table:

PERCENTAGE OF INCREASE OF AVERAGE WAGES IN EACH YEAR FROM 1871 TO 1898, AS COMPARED WITH AVERAGE WAGES IN 1870, IN GOLD, FOR CERTAIN CITIES OF THE UNITED STATES, GREAT BRITAIN, FRANCE, AND BELGIUM.

Year.	Great Britain.	Paris, France.	Liege, Belgium.	United States.
1870.....				
1871.....	0.2	0.5	1.3	8.5
1872.....	2.3	1.4	2.5	11.1
1873.....	3.8	2.1	7.6	6.8
1874.....	5.2	2.4	9.7	4.4
1875.....	6.2	5.0	6.7	1.7
1876.....	8.1	5.7	5.9	a 1.1
1877.....	8.8	8.7	5.0	1.8
1878.....	7.9	10.1	1.7	4.6
1879.....	5.6	10.1	2.9	5.2
1880.....	5.6	14.4	4.6	6.1
1881.....	6.0	15.3	7.1	9.2
1882.....	7.1	17.5	10.1	11.0
1883.....	7.9	17.7	9.2	12.0
1884.....	7.9	17.7	8.8	12.9
1885.....	7.5	17.7	6.3	12.1
1886.....	6.9	18.6	5.9	12.1
1887.....	7.1	18.6	4.6	13.0
1888.....	7.7	17.9	6.3	13.7
1889.....	8.3	19.6	5.5	14.1
1890.....	9.0	23.8	6.3	14.6
1891.....	10.6	24.1	9.2	15.4
1892.....	10.6	24.1	7.6	16.1
1893.....	11.2	24.5	8.0	15.3
1894.....	11.3	25.0	10.1	13.0
1895.....	11.5	25.0	9.7	12.1
1896.....	14.6	25.5	11.3	11.5
1897.....				10.9
1898.....				10.3

a Decrease.

TABLE I.—AVERAGE DAILY WAGES IN GOLD IN CERTAIN CITIES OF THE UNITED STATES, 1870 TO 1898.

[The wages for the years 1870 to 1873, inclusive, except in the case of San Francisco, were reported in currency. In converting wages in currency into wages in gold the value of \$100 gold in currency for January of each year from 1870 to 1877 and the average value for the entire year 1878, as given in

BLACKSMITHS.

Year.	Balti- more.	Bos- ton.	Chi- cago.	Cin- cin- nati.	New Or- leans.	New York.	Phila- del- phia.	Pitta- burg and Alle- gheny.	Rich- mond.	St. Louis.	St. Paul.	San Fran- cisco.	Aver- age.
1870..	\$1.96	\$3.00	\$2.51	\$1.99	\$3.09	\$2.21	\$1.86	\$1.93	\$1.99	\$2.39	\$2.35	\$5.80	\$2.43
1871..	2.15	3.26	2.71	2.18	3.38	2.59	2.34	2.23	2.18	2.69	2.57	3.49	2.63
1872..	2.18	3.33	2.89	2.16	3.43	2.61	2.45	2.17	2.21	2.74	2.61	3.55	2.70
1873..	1.96	3.18	2.76	2.19	3.32	2.53	2.43	2.00	2.14	2.61	2.53	3.61	2.60
1874..	1.85	3.14	2.75	2.18	3.14	2.40	2.52	2.24	2.02	2.64	2.58	3.58	2.59
1875..	1.83	2.68	2.57	2.41	2.66	2.37	2.15	2.15	2.00	2.66	2.55	3.55	2.47
1876..	1.99	2.76	2.51	2.17	2.66	2.39	2.02	1.99	1.99	2.74	2.53	3.56	2.43
1877..	2.11	2.60	2.56	2.19	2.82	2.54	1.89	2.38	2.11	2.71	2.69	3.45	2.51
1878..	2.12	2.73	2.60	2.33	2.95	2.59	1.94	2.39	2.25	2.95	2.81	3.33	2.50
1879..	2.24	2.77	2.69	2.34	3.00	2.60	1.89	2.32	2.25	2.63	2.87	3.46	2.59
1880..	2.20	2.94	2.67	2.31	3.00	2.67	2.07	2.22	2.25	2.63	2.59	3.57	2.59
1881..	2.20	3.05	2.90	2.40	3.00	2.67	2.16	2.23	2.25	2.64	2.60	3.56	2.64
1882..	2.27	2.94	2.88	2.44	3.00	2.62	2.26	2.33	2.25	2.59	2.59	3.52	2.64
1883..	2.26	2.82	2.83	2.34	3.00	2.82	2.29	2.34	2.25	2.63	2.59	3.52	2.54
1884..	2.28	2.87	2.80	2.42	3.00	2.92	2.31	2.40	2.25	2.63	2.44	3.53	2.66
1885..	2.24	3.01	2.88	2.26	3.00	2.62	2.32	2.26	2.25	2.64	2.44	3.48	2.62
1886..	2.26	3.02	2.90	2.34	3.00	2.75	2.32	2.42	2.25	2.63	2.44	3.49	2.64
1887..	2.23	2.87	2.91	2.25	3.00	3.20	2.26	2.38	2.25	2.63	2.44	3.54	2.60
1888..	2.18	2.87	2.87	2.28	3.00	3.17	2.27	2.15	2.25	2.63	2.44	3.63	2.65
1889..	2.01	2.91	2.81	2.30	3.00	2.80	2.32	2.39	2.25	2.63	2.75	3.53	2.64
1890..	2.12	2.80	2.86	2.32	3.00	2.82	2.28	2.37	2.25	2.63	2.75	3.55	2.63
1891..	1.97	2.79	2.83	2.34	2.83	2.52	2.29	2.41	2.25	2.63	2.75	3.52	2.58
1892..	1.97	2.79	2.84	2.32	2.83	2.92	2.15	2.41	2.25	2.64	2.75	3.22	2.59
1893..	2.06	2.78	2.92	2.34	2.83	2.92	2.23	2.39	2.25	2.62	2.50	3.22	2.59
1894..	1.97	2.75	2.73	2.01	2.83	2.92	1.83	2.29	2.25	2.62	2.50	3.20	2.49
1895..	1.95	2.75	2.80	2.11	2.83	2.50	1.88	2.21	2.25	2.62	2.50	3.20	2.47
1896..	2.03	2.75	2.80	2.15	2.83	2.45	1.78	2.35	2.25	2.60	2.50	3.16	2.44
1897..	2.05	2.76	2.80	2.16	2.83	2.20	2.05	2.04	2.25	2.13	2.50	3.13	2.41
1898..	2.00	2.76	2.81	2.17	2.83	2.55	2.03	2.05	2.25	2.13	2.50	3.12	2.43

BLACKSMITHS' HELPERS.

Year.	Balti- more.	Bos- ton.	Chi- cago.	Cin- cin- nati.	New Or- leans.	New York.	Phila- del- phia.	Pitta- burg and Alle- gheny.	Rich- mond.	St. Louis.	St. Paul.	San Fran- cisco.	Aver- age.
1870..	1.21	1.56	1.65	1.28	1.65	1.48	1.19	1.23	0.82	1.07	1.32	2.34	1.40
1871..	1.33	1.71	1.69	1.41	1.80	1.62	1.39	1.39	.90	1.22	1.44	2.22	1.51
1872..	1.32	1.75	1.83	1.44	1.83	1.62	1.47	1.41	.91	1.28	1.46	2.21	1.55
1873..	1.20	1.70	1.74	1.39	1.77	1.59	1.52	1.46	.88	1.19	1.42	2.24	1.51
1874..	1.22	1.74	1.63	1.38	1.79	1.50	1.45	1.39	.85	1.25	1.45	2.24	1.50
1875..	1.21	1.70	1.55	1.38	1.77	1.57	1.29	1.20	.84	1.24	1.44	2.23	1.45
1876..	1.20	1.44	1.47	1.35	1.77	1.57	1.23	1.19	.84	1.19	1.42	2.24	1.41
1877..	1.28	1.52	1.57	1.41	1.88	1.67	1.12	1.32	.89	1.31	1.51	2.23	1.48
1878..	1.39	1.57	1.68	1.48	1.97	1.60	1.14	1.39	.93	1.38	1.58	2.10	1.52
1879..	1.41	1.62	1.63	1.46	2.00	1.57	1.16	1.45	.95	1.35	1.62	2.10	1.53
1880..	1.41	1.57	1.63	1.35	2.00	1.52	1.30	1.44	.95	1.35	1.50	2.09	1.51
1881..	1.41	1.61	1.61	1.40	2.00	1.72	1.35	1.48	.95	1.35	1.50	2.10	1.54
1882..	1.41	1.56	1.62	1.51	2.00	1.72	1.35	1.43	.95	1.35	1.50	2.09	1.54
1883..	1.41	1.60	1.65	1.48	2.00	1.85	1.35	1.44	.95	1.40	1.50	2.11	1.56
1884..	1.41	1.63	1.63	1.48	2.00	1.85	1.37	1.45	.95	1.40	1.50	2.11	1.56
1885..	1.41	1.68	1.69	1.44	2.00	1.62	1.22	1.40	.95	1.40	1.50	2.10	1.53
1886..	1.41	1.66	1.69	1.44	2.00	1.65	1.55	1.39	.95	1.40	1.50	2.10	1.54
1887..	1.42	1.72	1.70	1.44	1.83	1.87	1.37	1.48	.95	1.40	1.50	2.09	1.56
1888..	1.42	1.86	1.70	1.45	1.83	1.87	1.39	1.44	.95	1.43	1.50	2.11	1.58
1889..	1.40	1.88	1.70	1.44	1.83	1.87	1.39	1.58	.95	1.43	1.50	2.08	1.59
1890..	1.43	1.86	1.70	1.44	1.83	1.85	1.41	1.58	.95	1.43	1.50	1.93	1.58
1891..	1.27	1.85	1.70	1.45	1.88	1.82	1.41	1.58	.95	1.45	1.50	1.91	1.54
1892..	1.27	1.85	1.72	1.46	1.88	1.77	1.42	1.58	.95	1.52	1.50	1.91	1.54
1893..	1.27	1.88	1.73	1.46	1.88	1.85	1.42	1.58	.95	1.53	1.50	1.91	1.55
1894..	1.25	1.83	1.66	1.36	1.88	1.77	1.14	1.39	.95	1.62	1.50	1.91	1.50
1895..	1.28	1.82	1.70	1.40	1.88	1.70	1.11	1.39	.95	1.53	1.50	1.92	1.49
1896..	1.35	1.83	1.69	1.38	1.88	1.65	1.13	1.40	.95	1.65	1.50	1.93	1.56
1897..	1.35	1.81	1.71	1.36	1.88	1.65	1.14	1.49	.95	1.50	1.50	1.94	1.50
1898..	1.35	1.84	1.71	1.37	1.88	1.80	1.28	1.40	.95	1.53	1.50	1.92	1.52

WAGES IN THE UNITED STATES AND EUROPE.

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TABLE I.—AVERAGE DAILY WAGES IN GOLD IN CERTAIN CITIES OF THE UNITED STATES, 1870 TO 1898—Continued.

the American Almanac for 1879, have been used, as follows: 1870, \$121.3; 1871, \$110.7; 1872, \$109.1; 1873, \$112.7; 1874, \$111.4; 1875, \$112.5; 1876, \$112.8; 1877, \$106.2, and 1878, \$101.4.]

BOILER MAKERS.

Year.	Balti- more.	Bos- ton.	Chi- cago.	Cin- cin- nati.	New Or- leans.	New York.	Phila- del- phia.	Pitta- burg and Alle- gheny.	Rich- mond.	St. Louis.	St. Paul.	San Fran- cisco.	Aver- age.
1870..	\$1.80	\$2.15	\$2.70	\$2.10	\$2.09	\$1.83	\$1.90	\$1.71	.....	\$2.36	\$2.88	\$3.38	\$2.35
1871..	1.98	2.13	3.02	2.29	3.29	2.01	2.07	2.04	.....	2.62	3.16	3.18	2.53
1872..	2.01	2.24	3.09	2.31	3.30	3.04	2.13	2.18	.....	2.65	3.29	3.19	2.58
1873..	1.94	2.20	2.97	2.31	3.21	1.97	2.05	2.11	.....	2.60	3.10	3.40	2.53
1874..	1.96	2.31	2.87	2.36	3.25	1.99	2.07	1.99	.....	2.64	3.14	3.38	2.52
1875..	1.95	2.22	2.71	2.22	3.21	1.95	2.06	1.70	.....	2.61	3.11	3.34	2.47
1876..	1.93	2.15	2.57	2.24	3.22	1.95	2.01	2.01	.....	2.36	2.66	3.34	2.41
1877..	2.05	2.24	2.73	2.26	3.42	2.07	2.18	2.11	.....	2.51	2.82	3.26	2.51
1878..	2.14	2.27	2.88	2.44	3.59	1.94	2.26	2.08	.....	2.62	2.85	3.25	2.59
1879..	2.17	2.33	2.90	2.51	3.59	2.20	2.32	2.17	.....	2.42	3.00	3.18	2.63
1880..	2.17	2.28	2.90	2.49	3.50	2.17	2.22	2.17	.....	2.42	3.00	3.21	2.59
1881..	2.17	2.52	2.90	2.40	3.00	2.15	2.22	2.19	.....	2.42	3.03	3.18	2.56
1882..	2.26	2.60	2.90	2.49	3.00	2.35	2.33	2.26	.....	2.83	3.00	3.21	2.66
1883..	2.38	2.56	2.90	2.41	3.00	2.60	2.30	2.29	.....	2.83	3.00	3.15	2.67
1884..	2.43	2.51	2.90	2.47	3.00	2.52	2.33	2.29	.....	2.83	3.00	3.27	2.69
1885..	2.43	2.54	2.90	2.42	2.63	2.27	2.32	2.16	.....	2.78	3.00	3.81	2.61
1886..	2.43	2.46	2.90	2.00	2.63	2.37	2.35	2.34	.....	2.78	3.00	3.34	2.60
1887..	2.43	2.45	2.00	1.97	2.64	2.50	2.34	2.36	.....	2.79	3.00	3.39	2.61
1888..	2.43	2.42	2.90	2.15	2.60	2.60	2.38	2.32	.....	2.80	3.25	3.41	2.66
1889..	2.42	2.48	2.90	2.15	2.61	2.57	2.33	2.24	.....	2.76	3.25	3.46	2.65
1890..	2.43	2.56	2.90	2.16	2.62	2.47	2.31	2.28	.....	2.75	3.25	3.32	2.64
1891..	2.43	2.46	2.90	2.07	2.64	2.50	2.27	2.31	.....	2.73	3.25	3.23	2.62
1892..	2.43	2.66	2.77	2.00	2.62	2.45	2.25	2.28	.....	2.72	3.25	3.12	2.60
1893..	2.43	2.37	2.87	2.07	2.65	2.65	2.31	2.27	.....	2.78	3.00	2.94	2.58
1894..	2.43	2.46	2.90	2.10	2.64	2.72	2.25	2.18	.....	2.77	3.60	2.73	2.66
1895..	2.43	2.47	2.90	1.94	2.63	2.35	2.24	2.32	.....	2.74	3.00	2.97	2.64
1896..	2.43	2.45	2.90	2.02	2.64	2.40	2.23	2.26	.....	2.77	3.00	2.95	2.55
1897..	2.43	2.47	2.90	1.97	2.63	2.40	2.23	2.17	.....	2.75	3.00	2.95	2.54
1898..	2.43	2.48	2.90	2.02	2.60	2.52	2.26	2.26	.....	2.75	3.00	2.96	2.56

BOILER MAKERS' HELPERS.

Year.	Balti- more.	Bos- ton.	Chi- cago.	Cin- cin- nati.	New Or- leans.	New York.	Phila- del- phia.	Pitta- burg and Alle- gheny.	Rich- mond.	St. Louis.	St. Paul.	San Fran- cisco.	Aver- age.
1870..	1.60	1.29	1.52	0.94	1.65	1.40	1.44	1.05	.....	1.25	1.65	2.23	1.41
1871..	1.16	1.56	1.60	1.09	1.80	1.53	1.58	1.18	.....	1.39	1.80	2.01	1.52
1872..	1.18	1.41	1.09	1.24	1.83	1.53	1.56	1.56	.....	1.40	1.83	2.01	1.57
1873..	1.14	1.22	1.64	1.36	1.77	1.39	1.55	1.38	.....	1.37	1.77	2.03	1.51
1874..	1.15	1.24	1.66	1.30	1.79	1.41	1.56	1.39	.....	1.39	1.79	2.07	1.52
1875..	1.14	1.28	1.53	1.71	1.77	1.42	1.55	1.23	.....	1.37	1.77	2.02	1.53
1876..	1.14	1.18	1.50	1.53	1.77	1.28	1.50	1.24	.....	1.37	1.55	2.01	1.46
1877..	1.21	1.21	1.53	1.66	1.88	1.36	1.62	1.21	.....	1.46	1.64	1.96	1.52
1878..	1.27	1.32	1.67	1.74	1.97	1.35	1.67	1.27	.....	1.59	1.72	1.94	1.59
1879..	1.29	1.30	1.70	1.75	2.00	1.50	1.69	1.32	.....	1.37	1.75	1.96	1.61
1880..	1.28	1.37	1.62	1.70	1.61	1.50	1.73	1.25	.....	1.37	1.75	1.97	1.56
1881..	1.28	1.43	1.65	1.65	1.80	1.57	1.69	1.37	.....	1.38	1.75	2.00	1.58
1882..	1.28	1.48	1.65	1.62	1.60	1.67	1.70	1.46	.....	1.55	1.75	2.01	1.61
1883..	1.36	1.42	1.65	1.51	1.50	1.65	1.69	1.46	.....	1.55	1.75	2.07	1.60
1884..	1.36	1.47	1.62	1.57	1.58	1.42	1.70	1.40	.....	1.55	1.75	2.09	1.60
1885..	1.36	1.46	1.55	1.60	1.58	1.45	1.74	1.37	.....	1.49	1.75	2.09	1.58
1886..	1.28	1.54	1.75	1.42	1.57	1.32	1.72	1.35	.....	1.46	1.75	2.08	1.58
1887..	1.36	1.50	1.70	1.18	1.56	1.42	1.72	1.41	.....	1.50	1.75	2.10	1.56
1888..	1.36	1.50	1.75	1.28	1.54	1.47	1.69	1.33	.....	1.49	2.00	2.11	1.59
1889..	1.36	1.52	1.67	1.31	1.54	1.47	1.73	1.32	.....	1.44	2.00	2.13	1.59
1890..	1.36	1.49	1.65	1.34	1.52	1.45	1.75	1.33	.....	1.36	2.00	2.06	1.57
1891..	1.30	1.48	1.67	1.27	1.50	1.62	1.71	1.35	.....	1.28	2.00	2.02	1.57
1892..	1.36	1.41	1.67	1.23	1.50	1.40	1.73	1.43	.....	1.37	2.00	1.98	1.55
1893..	1.36	1.43	1.75	1.22	1.50	1.45	1.75	1.28	.....	1.38	1.75	1.95	1.53
1894..	1.36	1.47	1.65	1.23	1.50	1.42	1.75	1.26	.....	1.55	1.75	1.93	1.53
1895..	1.36	1.43	1.67	1.19	1.50	1.37	1.75	1.29	.....	1.40	1.75	1.98	1.52
1896..	1.36	1.46	1.65	1.20	1.50	1.42	1.72	1.36	.....	1.43	1.75	1.98	1.53
1897..	1.36	1.46	1.67	1.20	1.50	1.42	1.72	1.34	.....	1.43	1.75	1.98	1.54
1898..	1.36	1.46	1.67	1.18	1.50	1.40	1.73	1.40	.....	1.43	1.75	1.94	1.53

TABLE I.—AVERAGE DAILY WAGES IN GOLD IN CERTAIN CITIES OF THE UNITED STATES, 1870 TO 1898—Continued.

[The wages for the years 1870 to 1878, inclusive, except in the case of San Francisco, were reported in currency. In converting wages in currency into wages in gold the value of \$100 gold in currency for January of each year from 1870 to 1877 and the average value for the entire year 1878, as given in

BRICKLAYERS.

Year.	Balti- more.	Bos- ton.	Chi- cago.	Cin- cin- nati.	New Or- leans.	New York.	Phila- del- phia.	Pitta- burg and Alle- gheny.	Rich- mond.	St. Louis.	St. Paul.	San Fran- cisco.	Aver- age.
1870..	\$3.42	\$3.33	\$2.78	\$3.71	\$2.06	\$3.10	\$2.90	.....	\$2.88	\$2.47	\$2.88	\$5.00	\$3.15
1871..	3.87	3.89	4.51	4.51	2.25	3.46	3.14	.....	3.16	2.71	3.16	5.00	3.61
1872..	3.83	4.10	4.58	4.58	2.36	3.51	3.22	.....	3.20	2.75	3.20	5.00	3.67
1873..	3.30	3.58	3.10	4.43	2.21	3.38	3.18	.....	3.10	2.44	3.10	5.00	3.35
1874..	2.87	3.17	2.24	4.48	2.17	3.05	3.20	.....	2.69	2.46	3.14	5.00	3.14
1875..	3.30	3.13	2.25	4.00	2.22	2.98	3.33	.....	2.44	2.44	3.11	5.00	3.11
1876..	3.27	3.05	2.66	3.99	2.29	2.75	3.09	.....	2.21	2.43	3.10	4.22	3.00
1877..	3.50	3.04	2.83	3.76	2.41	2.68	3.19	.....	2.35	2.59	3.29	4.14	3.07
1878..	3.66	2.95	2.95	3.94	2.52	2.76	2.95	.....	2.46	2.95	3.45	4.00	3.15
1879..	3.70	2.74	3.50	3.50	2.25	3.14	2.75	.....	2.50	3.00	3.50	4.00	3.14
1880..	3.70	2.59	3.50	3.50	2.56	3.12	2.55	.....	2.50	3.50	3.50	4.00	3.18
1881..	3.66	2.72	3.50	4.00	2.87	3.50	2.05	.....	2.50	4.00	4.72	4.00	3.46
1882..	4.00	3.19	3.50	4.00	2.50	3.89	2.66	.....	3.00	4.00	5.00	5.15	3.72
1883..	4.00	3.16	3.50	4.50	2.50	4.00	2.88	.....	3.50	4.50	5.00	5.25	3.89
1884..	4.25	3.27	3.50	4.50	2.50	4.00	3.00	.....	3.50	4.50	5.00	5.41	3.95
1885..	4.03	3.35	4.00	4.50	2.50	3.84	3.36	.....	3.50	4.50	5.00	5.83	3.99
1886..	3.87	3.34	4.00	4.50	2.56	4.03	3.42	.....	3.50	3.60	5.00	5.39	3.93
1887..	3.81	3.49	4.00	5.00	2.37	4.03	3.56	.....	3.50	4.00	5.00	5.39	4.01
1888..	4.00	3.47	4.00	4.50	2.41	4.03	3.59	.....	3.50	4.40	5.00	5.41	4.03
1889..	4.00	3.53	4.00	5.00	2.58	4.02	3.61	.....	3.50	4.40	5.00	5.77	4.13
1890..	3.75	3.65	4.00	4.95	2.64	4.00	3.77	.....	4.00	4.40	4.50	5.83	4.13
1891..	3.71	3.74	4.00	4.95	4.05	4.00	3.95	.....	4.00	4.40	4.50	5.81	4.28
1892..	3.77	3.68	4.00	4.95	4.05	4.00	3.80	.....	3.60	4.40	4.50	5.83	4.23
1893..	3.76	8.75	4.00	4.90	4.05	4.00	3.84	.....	3.60	4.40	4.50	5.00	4.12
1894..	3.70	3.65	4.00	4.50	4.05	4.00	3.93	.....	3.00	4.40	4.50	5.00	4.12
1895..	3.00	3.83	4.00	4.50	4.05	4.00	3.89	.....	3.60	4.40	4.50	5.00	4.02
1896..	3.00	3.29	4.00	3.60	3.37	4.00	3.79	.....	3.15	4.40	4.50	5.00	3.82
1897..	3.00	3.45	4.00	3.20	3.39	4.00	3.03	.....	2.50	4.40	4.50	5.00	8.73
1898..	3.00	3.40	4.00	3.20	3.37	4.00	2.70	.....	2.25	3.20	4.50	5.00	3.51

CABINETMAKERS.

1870..	1.87	2.47	2.84	1.78	2.88	1.68	1.81	\$2.40	.....	1.92	1.73	.....	2.14
1871..	1.92	2.66	2.98	1.65	2.71	1.83	1.92	2.03	.....	2.12	1.88	.....	2.23
1872..	2.18	2.64	2.91	1.68	3.05	1.86	2.03	2.67	.....	2.16	2.03	.....	2.32
1873..	2.23	2.61	2.75	1.62	2.66	1.58	1.95	2.58	.....	2.10	1.97	.....	2.20
1874..	2.09	2.53	2.73	1.64	2.91	1.60	2.02	2.09	.....	2.12	2.02	.....	2.23
1875..	2.08	2.41	2.33	1.63	3.00	1.59	2.00	2.40	.....	2.17	2.00	.....	2.16
1876..	2.17	2.23	2.21	1.74	2.99	1.63	1.99	1.99	.....	2.16	1.99	.....	2.11
1877..	2.28	2.12	2.30	2.00	3.13	1.76	2.13	1.88	.....	2.29	2.11	.....	2.20
1878..	2.24	1.96	2.39	2.05	3.04	1.85	2.40	1.97	.....	2.40	2.22	.....	2.25
1879..	2.26	2.17	2.35	1.87	3.08	1.93	2.45	2.00	.....	2.44	2.25	.....	2.28
1880..	2.17	2.18	2.65	1.87	2.87	1.93	2.40	2.00	.....	2.47	2.25	.....	2.28
1881..	2.27	2.53	2.42	1.90	2.87	2.22	2.42	2.50	.....	2.47	2.25	.....	2.38
1882..	2.25	2.54	2.52	1.76	2.87	2.23	2.40	2.50	.....	2.47	2.25	.....	2.38
1883..	2.23	2.65	2.37	1.68	2.55	2.23	2.42	2.75	.....	2.47	2.25	.....	2.36
1884..	2.25	2.65	2.27	1.68	2.87	2.28	2.45	2.50	.....	2.47	2.25	.....	2.37
1885..	2.27	2.50	2.35	1.60	3.06	2.29	2.48	2.50	.....	2.47	2.25	.....	2.38
1886..	2.27	2.65	2.47	1.87	2.75	2.29	2.51	2.25	.....	2.47	2.25	.....	2.38
1887..	2.26	2.55	2.42	1.69	2.53	2.28	2.52	2.37	.....	2.60	2.25	.....	2.35
1888..	2.25	2.42	2.40	1.71	2.66	2.29	2.51	2.83	.....	2.60	2.25	.....	2.39
1889..	2.28	2.53	2.37	1.71	2.62	2.27	2.49	2.87	.....	2.60	2.31	.....	2.41
1890..	2.26	2.55	2.35	1.74	2.83	2.24	2.44	2.87	.....	2.60	2.50	.....	2.44
1891..	2.27	2.42	2.37	1.73	2.75	2.23	2.50	2.87	.....	2.60	2.50	.....	2.43
1892..	2.28	2.51	2.35	1.79	2.91	2.17	2.49	3.12	.....	2.58	2.50	.....	2.47
1893..	2.25	2.46	2.37	1.69	2.54	2.14	2.57	3.00	.....	2.58	2.25	.....	2.38
1894..	2.26	2.50	2.32	1.66	2.34	2.14	2.55	2.75	.....	2.57	2.25	.....	2.33
1895..	2.27	2.50	2.32	1.54	2.40	2.11	2.53	2.82	.....	2.57	2.25	.....	2.31
1896..	2.26	2.52	2.30	1.54	2.37	2.11	2.52	2.75	.....	2.53	2.25	.....	2.36
1897..	2.22	2.53	2.32	1.53	2.25	2.42	2.53	2.75	.....	2.43	2.25	.....	2.32
1898..	2.22	2.62	2.32	1.52	2.12	2.44	2.44	2.50	.....	2.51	2.25	.....	2.29

TABLE I.—AVERAGE DAILY WAGES IN GOLD IN CERTAIN CITIES OF THE UNITED STATES, 1870 TO 1898—Continued.

the American Almanac for 1879, have been used, as follows: 1870, \$121.3; 1871, \$110.7; 1872, \$109.1; 1873, \$112.7; 1874, \$111.4; 1875, \$112.5; 1876, \$112.8; 1877, \$106.2, and 1878, \$101.4.]

CARPENTERS.

Year.	Balti- more.	Bos- ton.	Chi- cago.	Cin- cin- nati.	New Or- leans.	New York.	Phila- del- phia.	Pitta- burg and Alle- gheny.	Rich- mond.	St. Louis.	St. Paul.	San Fran- cisco.	Aver- age.
1870..	\$2.12	\$2.13	\$2.12	\$2.01	\$2.34	\$2.87	\$2.42	\$2.20	\$1.87	\$2.88	\$1.57	\$3.85	\$2.36
1871..	2.32	2.35	2.61	2.25	2.56	3.15	2.62	2.36	2.01	3.16	1.71	3.80	2.57
1872..	2.37	2.29	2.58	2.28	2.59	3.19	2.60	2.35	2.23	3.20	1.60	3.79	2.60
1873..	1.67	2.21	2.27	2.36	2.50	3.09	2.56	2.29	2.20	3.10	1.55	3.85	2.47
1874..	1.87	2.19	1.94	2.24	2.51	3.16	2.55	2.23	2.16	3.14	1.57	3.78	2.45
1875..	1.86	1.91	1.96	2.18	2.49	3.04	2.40	2.16	2.19	3.11	1.55	3.61	2.37
1876..	1.75	1.92	1.91	2.17	2.36	2.99	2.20	1.73	2.23	3.10	1.55	3.75	2.30
1877..	1.87	1.62	2.10	2.17	2.51	3.10	2.09	1.85	1.70	3.29	1.64	3.73	2.31
1878..	1.95	1.66	2.11	2.20	2.64	3.30	1.98	1.71	1.55	2.76	1.97	3.50	2.28
1879..	2.14	2.00	2.23	2.01	2.69	3.37	2.09	1.81	1.50	2.80	2.00	3.50	2.34
1880..	2.15	2.29	2.20	1.87	2.68	3.40	2.18	2.11	1.41	2.80	2.00	3.35	2.37
1881..	2.23	2.32	2.37	2.13	2.46	3.43	2.50	2.28	1.75	2.80	2.25	3.37	2.49
1882..	2.31	2.35	2.31	2.30	2.48	3.48	2.74	2.48	1.77	2.80	2.25	3.31	2.55
1883..	2.29	2.41	2.32	2.46	2.53	3.48	2.76	2.47	1.91	2.80	2.25	3.26	2.58
1884..	2.40	2.41	2.39	2.49	2.43	3.49	2.78	2.51	1.94	2.80	2.25	3.29	2.60
1885..	2.42	2.42	2.35	2.31	2.50	3.48	2.80	2.44	1.89	2.80	2.25	3.16	2.57
1886..	2.39	2.45	2.44	2.24	2.50	3.49	2.73	2.45	1.77	2.80	2.25	3.09	2.55
1887..	2.41	2.40	2.43	2.25	2.50	3.49	2.74	2.36	1.75	2.40	2.25	3.27	2.52
1888..	2.41	2.47	2.47	2.29	2.50	3.49	2.70	2.49	1.96	2.40	2.25	3.26	2.56
1889..	2.40	2.44	2.32	2.20	2.46	3.49	2.75	2.58	1.83	2.40	2.25	3.32	2.54
1890..	2.43	2.52	2.29	2.01	2.50	3.48	2.74	2.62	2.19	2.80	2.25	3.24	2.59
1891..	2.41	2.52	2.58	2.10	2.32	3.49	2.85	2.64	2.22	3.18	2.17	3.27	2.64
1892..	2.43	2.48	2.59	2.19	2.32	3.49	2.83	2.65	2.15	3.20	2.16	3.26	2.65
1893..	2.41	2.52	2.96	2.30	2.72	3.49	2.78	2.60	2.17	3.20	2.00	3.29	2.67
1894..	2.43	2.47	2.94	1.90	2.32	3.49	2.79	2.37	2.20	3.20	2.00	3.27	2.62
1895..	2.39	2.47	2.69	1.99	2.32	3.49	2.82	2.31	2.17	2.80	2.00	3.20	2.55
1896..	2.41	2.46	2.54	1.87	2.31	3.49	2.77	2.33	2.02	2.80	2.00	3.21	2.52
1897..	2.43	2.54	2.67	1.94	2.32	3.49	2.77	2.36	2.17	2.80	2.14	3.15	2.56
1898..	2.41	2.54	2.43	1.85	2.33	3.49	2.73	2.27	2.17	2.80	2.14	3.13	2.52

COMPOSITORS.

Year.	Balti- more.	Bos- ton.	Chi- cago.	Cin- cin- nati.	New Or- leans.	New York.	Phila- del- phia.	Pitta- burg and Alle- gheny.	Rich- mond.	St. Louis.	St. Paul.	San Fran- cisco.	Aver- age.
1870..	2.47	2.26	2.88	2.78	2.47	2.53	2.58	.....	2.74	2.36	1.23	3.41	2.52
1871..	2.71	2.51	3.16	3.27	2.71	2.76	2.76	.....	3.01	2.57	1.35	3.45	2.75
1872..	2.75	2.56	3.20	3.29	2.75	2.80	2.75	.....	3.05	2.62	1.37	3.36	2.77
1873..	2.66	2.44	3.10	3.23	2.66	2.72	2.66	.....	2.95	2.54	1.48	3.45	2.72
1874..	2.69	2.56	3.14	3.20	2.69	2.59	2.71	.....	2.99	2.57	1.49	3.48	2.74
1875..	2.66	2.50	3.11	3.30	2.66	2.58	2.53	.....	2.96	2.53	1.48	3.54	2.71
1876..	2.66	2.40	3.10	3.25	2.66	2.80	2.43	.....	2.36	2.55	1.47	3.41	2.64
1877..	2.54	2.58	3.29	3.36	2.82	2.84	2.48	.....	2.51	2.69	1.64	3.35	2.74
1878..	2.66	2.62	2.95	3.15	2.95	2.85	2.41	.....	2.63	2.81	1.72	3.40	2.74
1879..	2.70	2.52	3.00	3.25	3.00	2.97	2.27	.....	2.60	2.89	1.75	3.37	2.76
1880..	2.70	2.57	3.00	3.31	3.00	2.98	2.33	.....	2.66	2.92	1.75	3.28	2.77
1881..	2.70	2.61	3.00	3.18	3.00	2.95	2.32	.....	2.66	2.91	1.75	3.28	2.78
1882..	2.70	2.75	3.00	3.21	3.00	2.74	2.82	.....	2.66	2.92	1.75	3.33	2.81
1883..	2.70	2.84	3.00	3.19	3.00	2.74	2.76	.....	2.66	2.92	1.75	3.27	2.80
1884..	2.70	2.70	3.00	3.20	3.00	3.02	2.79	.....	2.66	2.92	1.75	3.31	2.82
1885..	2.70	2.70	3.00	3.13	3.00	3.03	2.71	.....	2.66	2.92	1.75	3.49	2.82
1886..	2.70	2.71	3.00	3.11	3.00	3.02	2.61	.....	2.66	2.89	1.75	3.41	2.80
1887..	2.70	2.69	3.00	3.12	3.00	3.02	2.68	.....	2.66	2.88	1.75	3.44	2.81
1888..	2.70	2.67	3.00	3.08	3.00	3.02	2.65	.....	2.66	2.88	1.75	3.43	2.80
1889..	2.70	2.68	3.00	3.10	3.00	3.03	2.56	.....	2.66	2.88	1.75	3.41	2.80
1890..	2.70	2.65	3.00	3.15	3.00	3.07	2.50	.....	2.66	2.88	1.78	3.37	2.79
1891..	2.70	2.73	3.00	3.09	3.00	3.08	2.21	.....	2.66	2.88	1.78	3.24	2.76
1892..	2.70	2.67	3.00	3.09	3.00	3.09	2.30	.....	2.66	2.88	1.85	3.32	2.78
1893..	2.70	2.66	3.00	3.11	3.00	3.10	2.34	.....	2.66	2.87	1.85	3.23	2.77
1894..	2.70	2.64	3.00	3.08	3.00	3.09	2.26	.....	2.66	2.89	2.09	3.31	2.79
1895..	2.70	2.60	3.00	3.09	3.00	3.07	2.35	.....	2.66	2.90	2.25	3.26	2.81
1896..	2.70	2.63	3.00	3.07	2.78	3.14	2.31	.....	2.66	2.91	2.50	3.35	2.82
1897..	2.70	2.63	3.00	3.08	2.73	3.11	2.18	.....	2.66	2.92	2.50	3.25	2.80
1898..	2.70	2.62	3.00	3.07	2.73	3.12	2.33	.....	2.66	2.92	2.50	3.28	2.81

TABLE I.—AVERAGE DAILY WAGES IN GOLD IN CERTAIN CITIES OF THE UNITED STATES, 1870 TO 1898—Continued.

[The wages for the years 1870 to 1878, inclusive, except in the case of San Francisco, were reported in currency. In converting wages in currency into wages in gold the value of \$100 gold in currency for January of each year from 1870 to 1877 and the average value for the entire year 1878, as given in

CONDUCTORS, RAILROAD.

Year.	Balti- more.	Bos- ton.	Chi- cago.	Cin- cin- nati.	New Or- leans.	New York.	Phila- del- phia.	Pitts- burg and Alle- gheny.	Rich- mond.	St. Louis.	St. Paul.	San Fran- cisco.	Aver- age.
1870.		\$3.17		\$3.95	\$2.71				\$2.53			\$4.79	\$3.43
1871.		3.47		4.33	2.97				2.77			4.33	3.57
1872.		3.52		4.39	3.01				2.81			4.31	3.61
1873.		3.41		4.25	2.91				2.72			4.32	3.52
1874.		3.10		4.30	2.95				2.75			4.34	3.49
1875.		3.07		3.75	2.92				2.72			4.33	3.36
1876.		3.07		3.40	2.91				2.72			4.33	3.28
1877.		3.62		3.61	3.09				2.88			4.33	3.51
1878.		3.79		3.78	3.24				3.02			4.29	3.62
1879.		3.84		3.83	3.28				3.06			4.29	3.66
1880.		3.81		3.78	3.28				3.06			4.30	3.65
1881.		3.84		3.78	3.28				3.06			4.29	3.65
1882.		3.84		3.79	3.28				3.06			4.26	3.65
1883.		3.84		3.81	3.28				3.06			4.28	3.68
1884.		3.84		3.91	3.28				3.06			4.30	3.68
1885.		3.84		4.10	3.28				3.06			4.30	3.71
1886.		3.84		4.10	3.28				3.06			4.30	3.72
1887.		3.84		4.20	3.28				3.06			4.30	3.74
1888.		3.84		4.20	3.28				3.06			4.30	3.74
1889.		3.84		4.20	3.28				3.00			4.31	3.73
1890.		3.84		4.21	3.43				3.00			4.31	3.76
1891.		3.84		4.30	4.11				3.16			4.51	3.98
1892.		3.84		4.12	4.27				3.02			4.51	3.95
1893.		3.84		4.12	4.07				3.14			4.50	4.11
1894.		3.84		4.02	3.06				3.25			4.49	3.91
1895.		3.84		4.26	4.57				3.12			4.48	4.05
1896.		3.84		4.14	4.91				3.05			4.46	4.08
1897.		3.84		4.10	5.04				3.05			4.44	4.09
1898.		3.84		4.18	4.64				3.05			4.43	4.03

ENGINEERS, RAILROAD.

Year.	Balti- more.	Bos- ton.	Chi- cago.	Cin- cin- nati.	New Or- leans.	New York.	Phila- del- phia.	Pitts- burg and Alle- gheny.	Rich- mond.	St. Louis.	St. Paul.	San Fran- cisco.	Aver- age.
1870.		3.17		2.51	3.11			\$2.86	2.91			4.79	3.22
1871.		3.47		2.88	3.41			3.30	3.19			4.09	3.48
1872.		3.52		3.44	3.46			3.50	3.23			4.58	3.63
1873.		3.41		3.70	3.35			3.64	3.13			4.50	3.64
1874.		3.10		3.74	3.30			3.20	3.17			4.61	3.53
1875.		3.07		3.40	3.36			3.31	3.14			4.60	3.49
1876.		3.07		3.56	3.35			3.44	3.13			4.60	3.52
1877.		3.62		3.79	3.50			3.65	3.32			4.60	3.76
1878.		3.79		3.97	3.72			3.58	3.48			4.57	3.82
1879.		3.84		4.02	3.78			3.40	3.53			4.57	3.86
1880.		3.81		4.02	3.78			3.73	3.53			4.57	3.91
1881.		3.84		4.02	3.78			3.88	3.53			4.56	3.92
1882.		3.84		4.10	3.78			3.56	3.53			4.53	3.90
1883.		3.84		4.02	3.78			3.58	3.53			4.55	3.88
1884.		3.81		4.02	3.78			3.65	3.53			4.57	3.90
1885.		3.81		4.20	3.78			3.65	3.53			4.57	3.94
1886.		3.81		4.20	3.78			3.60	3.53			4.57	3.93
1887.		3.84		4.20	3.78			3.50	3.51			4.57	3.93
1888.		3.84		4.20	3.78			3.72	3.78			4.57	4.00
1889.		3.84		4.42	3.78			3.70	3.78			4.58	4.02
1890.		3.84		4.42	3.78			3.77	3.78			4.57	4.03
1891.		3.84		4.42	4.20			3.65	3.88			4.59	4.11
1892.		3.84		4.60	5.24			5.22	4.00			4.50	4.00
1893.		3.84		4.90	5.15			5.08	4.14			4.58	4.63
1894.		3.81		4.22	4.23			5.21	4.04			4.57	4.35
1895.		3.81		3.98	5.51			5.08	4.09			4.11	4.44
1896.		3.84		4.22	5.98			5.07	4.13			4.11	4.56
1897.		3.84		4.22	5.43			5.14	4.13			4.10	4.46
1898.		3.64		4.22	4.95			5.30	4.13			4.10	4.42

TABLE I.—AVERAGE DAILY WAGES IN GOLD IN CERTAIN CITIES OF THE UNITED STATES, 1870 TO 1898—Continued.

the American Almanac for 1879, have been used, as follows: 1870, \$121.3; 1871, \$110.7; 1872, \$109.1; 1873, \$112.7; 1874, \$111.4; 1875, \$112.5; 1876, \$112.8; 1877, \$106.2, and 1878, \$101.4.]

FIREMEN, RAILROAD.

Year.	Balti- more.	Bos- ton.	Chi- cago.	Cin- cin- nati.	New Or- leans.	New York.	Phila- del- phia.	Pitts- burg and Alle- gheny.	Rich- mond.	St. Louis.	St. Paul.	San Fran- cisco.	Aver- age.
1870.	\$1.65			\$1.50	\$1.76			\$1.56	\$0.94			\$3.06	\$1.75
1871.	1.80			1.64	1.93			1.90	1.04			2.61	1.82
1872.	1.83			1.93	1.96			1.91	1.05			2.59	1.88
1873.	1.77			1.72	1.89			1.86	1.02			2.59	1.81
1874.	1.61			1.69	1.92			1.65	1.03			2.01	1.79
1875.	1.60			1.75	1.90			1.65	1.02			2.61	1.75
1876.	1.59			1.80	1.89			1.65	1.02			2.61	1.76
1877.	1.88			1.91	2.01			1.76	1.08			2.61	1.87
1878.	1.97			2.00	2.10			1.83	1.13			2.58	1.94
1879.	2.00			2.03	2.13			1.90	1.15			2.58	1.96
1880.	2.00			2.03	2.13			1.89	1.15			2.58	1.95
1881.	2.00			2.03	2.13			1.78	1.15			2.56	1.94
1882.	2.00			2.10	2.13			1.85	1.15			2.54	1.96
1883.	2.00			1.95	2.13			1.84	1.15			2.56	1.94
1884.	2.00			1.95	2.13			1.81	1.15			2.58	1.94
1885.	2.00			2.08	2.13			1.80	1.15			2.57	1.96
1886.	2.00			2.08	2.13			1.80	1.15			2.57	1.95
1887.	2.00			2.04	2.13			1.83	1.15			2.57	1.95
1888.	2.00			2.03	2.13			1.84	1.16			2.58	1.96
1889.	2.00			2.33	2.13			1.86	1.16			2.58	2.01
1890.	2.00			2.33	2.13			1.83	1.33			2.58	2.03
1891.	2.00			2.43	2.34			1.82	1.47			2.59	2.11
1892.	2.00			2.58	3.11			2.71	1.42			2.59	2.40
1893.	2.00			2.73	2.80			2.03	1.50			2.59	2.27
1894.	2.00			2.32	2.36			2.84	1.52			2.58	2.27
1895.	2.00			2.18	2.98			2.77	1.51			2.32	2.29
1896.	2.00			2.32	3.25			2.61	1.48			2.31	2.33
1897.	2.00			2.32	2.97			2.69	1.48			2.31	2.29
1898.	2.00			2.32	2.62			2.82	1.48			2.31	2.26

HOD CARRIERS.

Year.	Balti- more.	Bos- ton.	Chi- cago.	Cin- cin- nati.	New Or- leans.	New York.	Phila- del- phia.	Pitts- burg and Alle- gheny.	Rich- mond.	St. Louis.	St. Paul.	San Fran- cisco.	Aver- age.
1870.	\$2.17	1.77	\$1.23	2.26	1.23	\$1.95	\$2.06		1.03	\$1.30	\$1.23	3.00	1.75
1871.	2.44	1.95	1.35	2.71	1.35	2.15	2.14		1.13	1.43	1.35	3.00	1.91
1872.	2.44	1.98	1.37	2.75	1.37	2.19	2.12		1.14	1.45	1.37	3.00	1.93
1873.	2.33	1.88	1.33	2.60	1.33	2.11	2.04		1.11	1.17	1.33	3.00	1.84
1874.	1.24	1.82	0.89	2.60	1.34	1.79	2.09		1.01	1.18	1.34	3.00	1.67
1875.	1.28	1.76	0.94	2.44	1.33	1.77	2.04		0.89	1.17	1.33	3.00	1.63
1876.	1.39	1.60	0.93	2.43	1.33	1.71	1.90		0.88	1.18	1.33	2.63	1.58
1877.	1.57	1.75	0.94	2.35	1.41	1.68	1.97		0.94	1.26	1.41	2.62	1.63
1878.	1.74	1.90	1.48	2.46	1.48	1.73	1.97		0.98	1.57	1.72	2.35	1.77
1879.	1.73	2.00	1.50	2.25	1.50	1.85	1.85		1.00	1.61	1.75	2.70	1.79
1880.	1.72	1.95	1.50	2.25	1.50	2.03	1.89		1.00	1.83	1.91	2.50	1.82
1881.	1.73	1.75	1.50	2.50	1.50	2.25	1.81		1.00	2.62	1.89	2.50	1.91
1882.	1.61	1.84	1.50	2.50	1.50	2.42	1.85		1.12	2.58	2.00	3.00	1.90
1883.	1.75	1.93	1.50	2.75	1.50	2.41	1.96		1.25	2.82	2.00	3.00	2.08
1884.	1.75	1.97	1.75	2.75	1.50	2.38	2.06		1.25	2.82	2.00	3.00	2.11
1885.	2.22	1.87	1.75	2.75	1.50	2.34	2.12		1.25	2.84	2.00	3.00	2.15
1886.	2.12	1.92	1.75	2.75	1.50	2.39	2.33		1.25	2.26	2.00	3.00	2.11
1887.	2.34	2.02	1.75	2.50	1.50	2.39	2.50		1.25	2.46	2.00	3.00	2.15
1888.	2.38	2.07	1.75	2.50	1.50	2.39	2.50		1.25	2.00	2.00	3.00	2.20
1889.	2.37	2.04	1.75	2.50	1.50	2.44	2.50		1.25	2.86	2.00	3.00	2.20
1890.	2.37	2.05	1.75	2.52	1.50	2.42	2.50		1.35	2.86	2.00	3.00	2.21
1891.	2.36	2.04	1.75	2.47	1.35	2.33	2.50		1.35	2.90	1.85	3.00	2.17
1892.	2.37	2.23	1.75	2.47	1.35	2.40	2.50		1.25	2.90	1.87	3.00	2.19
1893.	2.14	2.22	1.75	2.81	1.35	2.40	2.50		1.25	2.88	1.75	3.00	2.18
1894.	2.20	2.18	1.75	2.50	1.35	2.40	2.50		1.25	2.84	1.75	3.00	2.15
1895.	1.93	2.00	1.50	2.50	1.35	2.40	2.50		1.25	2.50	1.75	3.00	2.06
1896.	1.93	1.98	1.50	2.00	1.35	2.40	2.25		1.12	2.70	1.75	3.00	2.00
1897.	1.90	2.00	2.00	2.00	1.35	2.40	2.25		1.00	2.68	1.75	3.00	2.03
1898.	1.89	1.96	2.00	2.00	1.35	2.40	2.00		1.00	2.70	1.75	3.00	2.00

TABLE I.—AVERAGE DAILY WAGES IN GOLD IN CERTAIN CITIES OF THE UNITED STATES, 1870 TO 1898—Continued.

(The wages for the years 1870 to 1878, inclusive, except in the case of San Francisco, were reported in currency. In converting wages in currency into wages in gold the value of \$100 gold in currency for January of each year from 1870 to 1877 and the average value for the entire year 1878, as given in

IRON MOLDERS.

Year.	Balti- more.	Bos- ton.	Chi- cago.	Cin- cin- nati.	New Or- leans.	New York.	Phila- del- phia.	Pitts- burg and Alle- gheny.	Rich- mond.	St. Louis.	St. Paul.	San Fran- cisco.	Aver- age.
1870..	\$1.83	\$3.48	\$2.52	\$2.74	\$2.83	.....	\$1.95	\$2.22	.....	\$2.47	\$2.24	\$3.71	\$2.60
1871..	2.00	3.32	3.07	3.01	2.95	.....	2.24	2.34	.....	2.71	2.46	3.35	2.74
1872..	2.03	3.20	3.04	3.05	3.02	.....	2.36	2.44	.....	2.75	2.49	3.52	2.79
1873..	1.97	3.10	2.99	2.95	2.88	.....	2.29	2.32	.....	2.44	2.41	3.67	2.70
1874..	1.95	2.80	2.81	2.50	3.06	.....	2.33	2.13	.....	2.40	2.44	3.59	2.61
1875..	1.93	2.59	2.62	2.37	2.89	.....	2.20	1.96	.....	2.44	2.42	3.58	2.50
1876..	1.93	2.35	2.37	2.26	2.55	.....	2.05	1.84	.....	2.35	2.41	3.52	2.36
1877..	2.05	2.50	2.45	2.19	2.70	.....	2.04	2.06	.....	2.35	2.56	3.50	2.44
1878..	2.14	2.02	2.48	2.30	2.83	.....	2.00	2.15	.....	2.46	2.68	3.50	2.52
1879..	2.17	2.47	2.46	2.21	2.75	.....	2.10	2.02	.....	2.50	2.71	3.42	2.48
1880..	2.17	2.43	2.55	2.53	2.75	.....	2.20	2.38	.....	2.40	2.71	3.50	2.56
1881..	2.17	2.38	2.72	2.71	2.75	.....	2.33	2.60	.....	2.35	2.71	3.41	2.61
1882..	2.21	2.30	2.71	2.72	2.80	.....	2.30	2.56	.....	2.40	2.72	3.40	2.61
1883..	2.23	2.50	2.67	2.76	2.87	.....	2.48	2.53	.....	2.50	2.71	3.49	2.67
1884..	2.23	2.46	2.60	2.77	2.80	.....	2.52	2.54	.....	2.50	2.71	3.45	2.66
1885..	2.23	2.47	2.65	2.55	2.75	.....	2.39	2.39	.....	2.40	2.72	3.41	2.59
1886..	2.23	2.35	2.61	2.53	2.56	.....	2.58	2.40	.....	2.40	2.71	3.47	2.53
1887..	2.23	2.39	2.62	2.77	2.87	.....	2.40	2.55	.....	2.35	2.73	3.64	2.66
1888..	2.23	2.39	2.66	2.77	2.87	.....	2.34	2.53	.....	2.35	2.71	3.66	2.65
1889..	2.23	2.41	2.66	2.52	2.87	.....	2.41	2.51	.....	2.35	2.71	3.60	2.63
1890..	2.23	2.46	2.74	2.52	2.87	.....	2.36	2.60	.....	2.40	2.97	3.66	2.68
1891..	2.23	2.45	2.82	2.79	2.87	.....	2.35	2.74	.....	2.50	2.96	3.63	2.73
1892..	2.23	2.47	2.83	2.80	2.66	.....	2.33	2.50	.....	2.50	2.96	3.62	2.70
1893..	2.23	2.50	2.87	2.73	2.75	.....	2.31	2.51	.....	2.40	2.70	3.67	2.67
1894..	2.15	2.33	2.63	2.54	2.66	.....	2.27	2.41	.....	2.60	2.70	3.63	2.56
1895..	2.15	2.29	2.53	2.53	2.66	.....	2.26	2.39	.....	2.50	2.70	3.60	2.58
1896..	2.15	2.24	2.73	2.52	2.75	.....	2.22	2.34	.....	2.30	2.69	3.56	2.55
1897..	2.17	2.53	2.74	2.51	2.75	.....	2.21	2.42	.....	2.30	2.68	3.56	2.59
1898..	2.17	2.58	2.70	2.52	2.75	.....	2.32	2.33	.....	2.40	2.69	3.56	2.60

IRON MOLDERS' HELPERS.

Year.	Balti- more.	Bos- ton.	Chi- cago.	Cin- cin- nati.	New Or- leans.	New York.	Phila- del- phia.	Pitts- burg and Alle- gheny.	Rich- mond.	St. Louis.	St. Paul.	San Fran- cisco.	Aver- age.
1870..	1.12	1.65	1.72	1.45	1.65	.....	1.13	1.24	.....	1.44	1.43	2.46	1.53
1871..	1.22	1.80	1.92	1.56	1.80	.....	1.27	1.36	.....	1.58	1.57	2.41	1.65
1872..	1.24	1.69	1.82	1.63	1.83	.....	1.40	1.29	.....	1.60	1.58	2.39	1.65
1873..	1.20	1.08	1.78	1.60	1.77	.....	1.36	1.44	.....	1.46	1.53	2.23	1.61
1874..	1.22	1.79	1.78	1.49	1.70	.....	1.37	1.31	.....	1.43	1.34	2.17	1.57
1875..	1.21	1.77	1.73	1.36	1.77	.....	1.24	1.11	.....	1.33	1.33	2.22	1.51
1876..	1.20	1.64	1.61	1.43	1.41	.....	1.16	1.08	.....	1.33	1.33	2.27	1.45
1877..	1.28	1.71	1.69	1.41	1.69	.....	1.09	1.16	.....	1.41	1.41	2.25	1.51
1878..	1.34	1.85	1.72	1.53	1.77	.....	1.10	1.19	.....	1.48	1.69	2.29	1.60
1879..	1.36	1.73	1.85	1.35	1.80	.....	1.11	1.19	.....	1.50	1.73	2.22	1.58
1880..	1.36	1.67	1.72	1.51	1.72	.....	1.22	1.24	.....	1.50	1.95	2.21	1.61
1881..	1.36	1.65	1.74	1.50	1.70	.....	1.28	1.29	.....	1.50	1.95	2.13	1.61
1882..	1.36	1.71	1.72	1.50	1.60	.....	1.29	1.31	.....	1.50	1.94	2.16	1.61
1883..	1.36	1.66	1.72	1.50	1.60	.....	1.29	1.35	.....	1.55	1.94	2.17	1.61
1884..	1.36	1.61	1.73	1.50	1.60	.....	1.25	1.35	.....	1.55	1.73	2.22	1.56
1885..	1.36	1.62	1.71	1.33	1.60	.....	1.21	1.30	.....	1.50	1.73	2.20	1.56
1886..	1.36	1.59	1.72	1.33	1.51	.....	1.23	1.27	.....	1.50	1.72	2.25	1.55
1887..	1.36	1.63	1.71	1.48	1.53	.....	1.21	1.40	.....	1.50	1.73	2.24	1.58
1888..	1.36	1.68	1.72	1.48	1.55	.....	1.23	1.39	.....	1.50	1.72	2.23	1.58
1889..	1.36	1.70	1.71	1.48	1.55	.....	1.26	1.42	.....	1.50	1.71	2.24	1.59
1890..	1.36	1.68	1.72	1.48	1.55	.....	1.23	1.44	.....	1.55	1.75	2.22	1.60
1891..	1.36	1.68	1.83	1.47	1.55	.....	1.26	1.41	.....	1.60	1.75	2.22	1.62
1892..	1.36	1.70	1.89	1.48	1.50	.....	1.29	1.44	.....	1.65	1.75	2.21	1.63
1893..	1.36	1.70	1.93	1.47	1.50	.....	1.31	1.44	.....	1.50	1.72	2.27	1.62
1894..	1.36	1.57	1.66	1.48	1.50	.....	1.25	1.34	.....	1.50	1.72	2.24	1.56
1895..	1.36	1.53	1.69	1.47	1.50	.....	1.22	1.34	.....	1.50	1.72	2.25	1.56
1896..	1.36	1.55	1.79	1.47	1.50	.....	1.27	1.31	.....	1.50	1.71	2.24	1.57
1897..	1.36	1.54	1.80	1.47	1.50	.....	1.26	1.39	.....	1.50	1.72	2.19	1.57
1898..	1.36	1.61	1.83	1.47	1.50	.....	1.28	1.33	.....	1.50	1.72	2.19	1.58

TABLE I.—AVERAGE DAILY WAGES, IN GOLD, IN CERTAIN CITIES OF THE UNITED STATES, 1870 TO 1898—Continued.

¹The American Almanac for 1879, have been used, as follows: 1870, \$121.3; 1871, \$110.7; 1872, \$109.1; 1873, \$112.7; 1874, \$111.4; 1875, \$112.5; 1876, \$112.8; 1877, \$106.2, and 1878, \$101.4.]

JOINERS.

Year.	Balti- more.	Bos- ton.	Chi- cago.	Cin- cin- nati.	New Or- leans.	New York.	Phila- del- phia.	Pitta- burg and Alle- gheny.	Rich- mond.	St. Louis.	St. Paul.	San Fran- cisco.	Aver- age.
1870					\$2.88	\$2.65	\$2.34	\$2.20	\$1.79		\$1.65		\$2.25
1871					3.10	2.88	2.30	2.51	2.00		1.80		2.44
1872					3.20	2.88	2.47	2.42	2.13		1.83		2.49
1873					3.10	2.73	2.50	2.49	2.06		1.77		2.44
1874					2.58	2.77	2.52	2.53	2.09		1.79		2.38
1875					2.55	2.49	2.37	2.35	2.17		1.77		2.28
1876					2.55	2.35	2.37	1.95	2.03		1.77		2.17
1877					2.70	2.35	2.06	1.94	2.07		1.88		2.17
1878					2.83	2.46	2.33	1.72	2.19		2.23		2.29
1879					2.75	2.50	2.00	1.89	2.25		2.25		2.27
1880					2.75	3.00	1.83	2.04	2.22		2.25		2.36
1881					2.75	3.09	2.43	2.21	2.33		2.50		2.55
1882					2.75	3.21	2.46	2.50	2.40		2.50		2.64
1883					2.62	3.21	2.48	2.50	2.41		2.50		2.62
1884					2.68	3.20	2.69	2.50	2.41		2.50		2.66
1885					2.62	3.19	2.64	2.29	2.42		2.50		2.61
1886					2.62	3.17	2.63	2.25	2.08		2.50		2.54
1887					2.02	3.12	2.66	2.29	2.20		2.50		2.56
1888					2.62	3.17	2.63	2.30	2.23		2.50		2.58
1889					2.62	3.15	2.66	2.63	2.31		2.50		2.64
1890					2.62	3.18	2.41	2.75	2.32		2.50		2.63
1891					2.62	3.15	2.61	2.75	2.37		2.25		2.62
1892					2.41	3.04	2.65	2.69	2.40		2.25		2.57
1893					2.62	3.07	2.40	2.50	2.39		2.25		2.54
1894					2.62	3.06	2.58	2.70	2.42		2.25		2.57
1895					2.62	3.07	2.56	2.16	2.35		2.25		2.50
1896					2.41	3.06	2.44	2.25	2.22		2.25		2.44
1897					2.41	3.11	2.36	2.18	2.33		2.25		2.44
1898					2.62	3.10	2.40	2.20	2.22		2.25		2.47

LABORERS, STREET.

Year.	Balti- more.	Bos- ton.	Chi- cago.	Cin- cin- nati.	New Or- leans.	New York.	Phila- del- phia.	Pitta- burg and Alle- gheny.	Rich- mond.	St. Louis.	St. Paul.	San Fran- cisco.	Aver- age.
1870	\$1.06	\$1.43		\$1.58	1.44		1.48	1.59	0.82	\$1.65	1.03	\$2.50	1.48
1871	1.16	1.77		1.70	1.63		1.62	1.80	1.13	1.80	1.13	2.50	1.62
1872	1.18	1.78		1.73	1.61		1.63	1.72	1.14	1.83	1.14	2.50	1.63
1873	1.14	1.75		1.68	1.58		1.59	1.65	1.11	1.77	1.11	2.50	1.58
1874	1.16	1.79		1.68	1.60		1.59	1.46	1.12	1.79	1.12	2.50	1.58
1875	1.15	1.48		1.66	1.33		1.57	1.44	1.11	1.77	1.11	2.50	1.51
1876	1.14	1.44		1.59	1.33		1.56	1.42	1.10	1.33	1.10	2.50	1.45
1877	1.23	1.35		1.51	1.26		1.68	1.51	1.17	1.41	1.17	2.50	1.48
1878	1.29	1.48		1.35	1.29		1.52	1.59	1.23	1.48	1.23	2.18	1.46
1879	1.81	1.49		1.37	1.27		1.54	1.60	1.25	1.50	1.25	2.39	1.50
1880	1.31	1.74		1.50	1.25		1.57	1.61	1.25	1.50	1.25	2.00	1.50
1881	1.31	1.85		1.53	1.25		1.57	1.62	1.25	1.50	1.25	2.00	1.51
1882	1.31	1.90		1.53	1.25		1.56	1.44	1.25	1.50	1.25	2.00	1.50
1883	1.31	2.07		1.63	1.50		1.56	1.45	1.25	1.50	1.25	2.00	1.55
1884	1.31	2.06		1.64	1.50		1.54	1.47	1.25	1.50	1.25	2.00	1.55
1885	1.31	2.01		1.63	1.50		1.52	1.49	1.25	1.50	1.25	2.00	1.54
1886	1.30	2.02		1.63	1.50		1.51	1.47	1.50	1.50	1.25	2.00	1.57
1887	1.30	2.01		1.65	1.50		1.52	1.48	1.50	1.50	1.50	2.00	1.59
1888	1.30	2.01		1.66	1.51		1.52	1.51	1.50	1.50	1.50	2.00	1.60
1889	1.30	2.01		1.64	1.50		1.52	1.52	1.50	1.50	1.42	2.00	1.59
1890	1.30	2.01		1.67	1.50		1.52	1.50	1.50	1.50	1.42	2.00	1.59
1891	1.30	2.00		1.64	1.50		1.51	1.53	1.50	1.50	1.42	2.00	1.59
1892	1.30	2.00		1.63	1.50		1.51	1.52	1.50	1.50	1.42	2.00	1.59
1893	1.30	2.00		1.63	1.50		1.75	1.53	1.50	1.50	1.42	2.00	1.61
1894	1.30	2.01		1.63	1.50		1.75	1.50	1.50	1.50	1.50	2.00	1.62
1895	1.30	2.01		1.63	1.50		1.75	1.50	1.50	1.50	1.50	2.00	1.62
1896	1.30	2.01		1.63	1.50		1.75	1.50	1.50	1.50	1.50	2.00	1.62
1897	1.30	2.00		1.63	1.50		1.75	1.50	1.50	1.50	1.50	2.00	1.61
1898	1.66	2.00		1.63	1.50		1.75	1.50	1.50	1.50	1.50	2.00	1.65

TABLE 1.—AVERAGE DAILY WAGES IN GOLD IN CERTAIN CITIES OF THE UNITED STATES, 1870 TO 1898—Continued.

[The wages for the years 1870 to 1878, inclusive, except in the case of San Francisco, were reported in currency. In converting wages in currency into wages in gold the value of \$100 gold in currency for January of each year from 1870 to 1877 and the average value for the entire year 1878, as given in

LABORERS, OTHER.

Year.	Balti- more.	Bos- ton.	Chi- cago.	Cin- cin- nati.	New Or- leans.	New York.	Phila- del- phia.	Pitts- burg and Alle- gheny.	Rich- mond.	St. Louis.	St. Paul.	San Fran- cisco.	Aver- age.
1870..	\$1.16	\$1.23	\$1.56	\$1.44	\$1.23	\$1.76	\$1.29			\$1.23	\$1.03	\$2.06	\$1.39
1871..	1.24	1.35	1.71	1.58	1.35	1.79	1.85			1.25	1.18	2.00	1.49
1872..	1.30	1.37	1.74	1.83	1.37	1.82	1.87			1.37	1.14	2.00	1.53
1873..	1.25	1.33	1.68	1.90	1.33	1.77	1.33			1.33	1.11	2.00	1.50
1874..	1.12	1.34	1.57	1.63	1.34	1.77	1.34			1.34	1.12	2.00	1.46
1875..	1.11	1.32	1.55	1.51	1.55	1.69	1.33			1.33	1.11	2.00	1.45
1876..	1.10	1.33	1.41	1.49	1.55	1.65	1.33			1.33	1.10	2.00	1.43
1877..	1.17	1.38	1.41	1.49	1.41	1.31	1.30			1.41	1.17	2.00	1.40
1878..	1.23	1.48	1.47	1.38	1.48	1.33	1.23			1.48	1.33	2.00	1.44
1879..	1.25	1.40	1.40	1.35	1.50	1.38	1.25			1.50	1.35	2.00	1.45
1880..	1.25	1.49	1.58	1.38	1.50	1.38	1.25			1.50	1.50	2.00	1.48
1881..	1.25	1.50	1.59	1.50	1.50	1.59	1.25			1.50	1.50	2.00	1.51
1882..	1.25	1.43	1.59	1.50	1.50	1.66	1.50			1.50	1.50	2.00	1.55
1883..	1.25	1.50	1.50	1.69	1.50	1.71	1.50			1.50	1.50	2.00	1.56
1884..	1.25	1.50	1.50	1.61	1.50	1.71	1.50			1.50	1.50	2.00	1.55
1885..	1.25	1.50	1.50	1.53	1.50	1.68	1.50			1.50	1.50	2.00	1.54
1886..	1.25	1.50	1.50	1.55	1.50	1.64	1.50			1.50	1.50	2.00	1.54
1887..	1.25	1.50	1.50	1.55	1.75	1.65	1.50			1.50	1.50	2.00	1.57
1888..	1.25	1.45	1.50	1.53	1.75	1.65	1.50			1.50	1.50	2.00	1.56
1889..	1.25	1.46	1.50	1.52	1.75	1.61	1.50			1.50	1.61	1.97	1.57
1890..	1.25	1.46	1.50	1.54	1.50	1.71	1.50			1.50	1.64	1.86	1.55
1891..	1.25	1.44	1.50	1.57	1.50	1.66	1.50			1.50	1.64	1.84	1.54
1892..	1.25	1.42	1.50	1.63	1.50	1.72	1.50			1.50	1.50	1.55	1.51
1893..	1.25	1.46	1.50	1.77	1.50	1.72	1.50			1.50	1.50	1.78	1.54
1894..	1.25	1.42	1.50	1.63	1.25	1.57	1.50			1.50	1.50	1.75	1.49
1895..	1.25	1.47	1.50	1.64	1.25	1.52	1.50			1.50	1.50	1.76	1.48
1896..	1.25	1.44	1.50	1.64	1.25	1.56	1.50			1.50	1.50	1.71	1.48
1897..	1.25	1.43	1.50	1.55	1.25	1.51	1.50			1.50	1.50	1.66	1.46
1898..	1.25	1.37	1.50	1.42	1.25	1.63	1.50			1.50	1.50	1.50	1.45

MACHINISTS.

1870..	1.80	2.47	2.60	2.42	3.12	2.26	1.79	\$1.71	\$1.85	1.81	2.23	3.36	2.30
1871..	2.04	2.55	2.92	2.67	3.38	2.28	2.06	1.88	2.03	2.11	2.45	3.17	2.46
1872..	2.07	2.56	2.92	2.68	3.39	2.40	2.20	1.68	2.06	2.10	2.48	3.17	2.48
1873..	2.03	2.61	2.84	2.65	3.08	2.28	2.19	1.71	1.99	1.94	2.40	3.17	2.41
1874..	2.07	2.58	2.70	2.48	3.16	2.31	2.38	1.78	1.90	2.02	2.40	3.13	2.41
1875..	2.05	2.37	2.63	2.37	2.94	2.33	2.08	1.66	1.89	2.06	2.37	3.10	2.32
1876..	2.06	2.19	2.50	2.21	2.32	2.30	1.95	1.64	1.88	2.06	2.36	3.12	2.25
1877..	2.19	2.30	2.58	2.19	2.58	2.47	2.06	1.81	2.00	2.17	2.50	3.05	2.32
1878..	2.29	2.29	2.67	2.14	2.78	2.49	2.06	1.83	2.09	2.48	2.62	3.05	2.40
1879..	2.33	2.37	2.68	2.06	2.69	2.47	1.97	1.85	2.12	2.52	2.65	2.85	2.36
1880..	2.28	2.42	2.73	2.25	2.72	2.52	2.01	2.05	2.12	2.47	2.65	3.02	2.44
1881..	2.26	2.50	2.73	2.44	2.70	2.47	2.10	2.10	2.12	2.46	2.66	3.03	2.47
1882..	2.26	2.55	2.78	2.47	2.74	2.85	2.20	2.08	1.75	2.46	2.67	3.07	2.46
1883..	2.30	2.57	2.70	2.51	2.76	2.55	2.33	2.05	1.75	2.48	2.66	3.10	2.49
1884..	2.30	2.65	2.75	2.53	2.85	2.82	2.36	2.06	1.75	2.46	2.65	3.09	2.52
1885..	2.30	2.52	2.76	2.40	2.90	2.50	2.33	2.13	1.75	2.43	2.66	3.12	2.48
1886..	2.30	2.52	2.75	2.40	2.90	2.62	2.25	2.13	1.75	2.36	2.64	3.15	2.48
1887..	2.30	2.60	2.85	2.40	2.83	2.70	2.33	2.13	1.75	2.43	2.65	3.14	2.51
1888..	2.30	2.47	2.80	2.42	2.91	2.75	2.35	2.13	1.75	2.43	2.65	3.15	2.51
1889..	2.31	2.55	2.85	2.43	2.91	2.70	2.37	2.06	1.75	2.52	2.67	3.17	2.52
1890..	2.31	2.57	2.85	2.44	2.91	2.70	2.20	1.09	1.75	2.44	2.93	2.92	2.51
1891..	2.31	2.45	2.85	2.43	2.91	2.67	2.38	1.08	1.75	2.47	2.92	2.92	2.50
1892..	2.31	2.57	2.83	2.48	2.91	2.65	2.36	2.06	1.75	2.46	2.91	2.90	2.52
1893..	2.31	2.72	2.91	2.40	2.91	2.62	2.36	2.13	1.37	2.46	2.70	2.87	2.48
1894..	2.20	2.57	2.75	2.04	2.90	2.65	2.27	1.98	1.37	2.51	2.60	2.79	2.40
1895..	2.21	2.57	2.78	2.05	2.90	2.47	2.20	1.98	1.37	2.49	2.66	2.83	2.38
1896..	2.21	2.50	2.78	2.05	2.90	2.55	2.41	2.08	1.37	2.52	2.62	2.83	2.40
1897..	2.23	2.62	2.80	2.13	2.90	2.55	2.25	2.12	1.37	2.50	2.66	2.85	2.42
1898..	2.21	2.57	2.80	2.15	2.90	2.62	2.32	2.02	1.37	2.42	2.60	2.84	2.41

TABLE I.—AVERAGE DAILY WAGES IN GOLD IN CERTAIN CITIES OF THE UNITED STATES, 1870 TO 1898—Continued.

the American Almanac for 1879, have been used, as follows: 1870, \$121.3; 1871, \$110.7; 1872, \$100.1; 1873, \$112.7; 1874, \$111.4; 1875, \$112.5; 1876, \$112.8; 1877, \$106.2; and 1878, \$101.4.]

MACHINISTS' HELPERS.

Year.	Balti- more.	Bos- ton.	Chi- cago.	Cin- cinnati.	New Or- leans.	New York.	Phila- del- phia.	Pitts- burg and Alle- gheny.	Rich- mond.	St. Louis.	St. Paul.	Sau Fran- cisco.	Aver- age.
1870..	\$1.13	\$1.15	\$1.58	\$1.45	\$1.59	\$1.54	\$1.18	.....	\$0.92	\$0.45	\$1.45	\$2.25	\$1.34
1871..	1.24	1.28	1.71	1.61	1.80	1.67	1.28	.....	1.01	.55	1.59	2.02	1.48
1872..	1.26	1.37	1.74	1.66	1.83	1.69	1.40	.....	1.03	.58	1.61	2.02	1.47
1873..	1.22	1.18	1.70	1.55	1.77	1.59	1.38	.....	.89	.58	1.56	1.89	1.40
1874..	1.23	1.49	1.59	1.64	1.79	1.57	1.34	.....	.85	.54	1.56	1.89	1.41
1875..	1.22	1.42	1.51	1.60	1.77	1.57	1.19	.....	.84	.51	1.55	1.91	1.37
1876..	1.22	1.37	1.44	1.55	1.41	1.41	1.17	.....	.84	.59	1.53	1.89	1.31
1877..	1.29	1.39	1.48	1.51	1.50	1.43	1.22	.....	.89	.58	1.63	1.86	1.34
1878..	1.35	1.45	1.55	1.62	1.57	1.50	1.35	.....	.83	.70	1.70	1.86	1.42
1879..	1.37	1.47	1.47	1.44	1.60	1.55	1.40	.....	.95	.70	1.72	1.86	1.41
1880..	1.37	1.50	1.53	1.58	1.53	1.70	1.32	.....	.95	.64	1.72	1.91	1.42
1881..	1.37	1.50	1.65	1.55	1.45	1.75	1.37	.....	.95	.58	1.72	1.93	1.44
1882..	1.37	1.50	1.66	1.55	1.43	2.10	1.34	.....	.90	.63	1.73	2.00	1.47
1883..	1.37	1.52	1.58	1.59	1.50	1.52	1.32	.....	.90	.62	1.72	2.02	1.42
1884..	1.37	1.52	1.62	1.63	1.50	1.60	1.38	.....	.90	.66	1.72	2.04	1.45
1885..	1.37	1.52	1.59	1.51	1.50	1.57	1.41	.....	.90	.64	1.72	2.01	1.42
1886..	1.37	1.52	1.60	1.52	1.75	1.77	1.35	.....	.90	.62	1.71	2.04	1.42
1887..	1.37	1.52	1.65	1.47	1.50	1.85	1.37	.....	.90	.62	1.73	2.07	1.46
1888..	1.37	1.57	1.65	1.46	1.50	1.80	1.43	.....	.90	.66	1.72	2.04	1.46
1889..	1.37	1.52	1.64	1.42	1.50	1.85	1.42	.....	.90	.66	1.73	2.09	1.46
1890..	1.37	1.52	1.64	1.47	1.50	1.50	1.41	.....	.87	.64	1.99	1.88	1.42
1891..	1.37	1.55	1.64	1.42	1.50	1.45	1.41	.....	.87	.61	1.99	1.88	1.43
1892..	1.37	1.60	1.64	1.49	1.50	1.47	1.43	.....	.87	.66	1.96	1.84	1.44
1893..	1.37	1.27	1.73	1.51	1.50	1.42	1.47	.....	.82	.63	1.75	1.82	1.39
1894..	1.37	1.57	1.58	1.35	1.50	1.52	1.37	.....	.82	.67	1.75	1.78	1.39
1895..	1.37	1.60	1.60	1.35	1.50	1.32	1.29	.....	.82	.63	1.73	1.63	1.37
1896..	1.37	1.57	1.60	1.17	1.50	1.10	1.25	.....	.82	.65	1.71	1.80	1.33
1897..	1.27	1.65	1.63	1.19	1.50	1.00	1.24	.....	.82	.65	1.73	1.84	1.34
1898..	1.37	1.70	1.64	1.19	1.50	1.10	1.34	.....	.82	.64	1.73	1.84	1.36

MASONS, STONE.

1870..	3.46	2.74	2.47	2.88	2.30	\$2.56	2.88	1.85	1.85	5.00	2.89
1871..	3.79	4.51	2.71	3.16	2.55	2.72	4.06	2.03	2.03	5.00	3.26
1872..	3.87	4.58	2.75	3.20	3.20	3.05	4.12	2.06	2.06	5.00	3.30
1873..	3.77	3.10	3.10	3.10	3.10	2.92	3.99	1.99	1.99	5.00	3.21
1874..	2.95	2.24	2.91	2.69	3.14	2.91	3.14	2.02	2.02	5.00	2.90
1875..	2.92	2.22	2.69	2.69	3.11	2.44	3.11	2.00	2.00	5.00	2.81
1876..	3.22	2.66	2.55	2.21	3.10	1.99	3.10	3.54	1.99	5.00	2.84
1877..	3.45	2.82	1.94	1.88	3.29	1.88	3.29	3.76	2.11	5.00	2.94
1878..	3.51	2.95	2.12	1.97	2.19	1.85	3.45	3.94	2.85	4.88	2.97
1879..	3.56	3.50	2.00	2.50	1.87	2.00	3.50	4.00	2.89	4.83	3.06
1880..	3.77	3.50	2.18	2.50	1.66	2.19	3.50	4.00	2.89	4.89	3.11
1881..	3.68	3.50	2.08	3.00	2.30	3.00	3.50	4.00	3.50	4.95	3.44
1882..	3.61	3.50	2.98	3.50	2.59	3.08	3.50	4.00	3.50	4.93	3.52
1883..	3.60	3.50	3.19	3.50	2.00	3.30	3.50	4.00	3.50	4.91	3.50
1884..	3.56	3.50	3.18	3.50	3.30	3.30	3.50	4.00	3.50	4.91	3.62
1885..	3.57	4.00	3.14	3.25	2.83	3.30	3.50	4.00	3.50	4.91	3.66
1886..	3.86	4.00	2.87	3.50	2.04	3.30	3.50	4.00	3.50	4.94	3.55
1887..	3.83	4.00	3.24	3.50	2.50	3.26	3.50	4.00	3.50	4.89	3.57
1888..	3.95	4.00	3.24	3.50	2.21	3.25	3.00	4.00	3.50	4.83	3.55
1889..	3.77	4.00	3.24	3.50	2.00	3.32	3.00	4.00	3.50	4.84	3.51
1890..	3.96	4.00	3.60	4.00	2.58	3.63	3.00	4.00	3.50	4.80	3.71
1891..	3.98	4.00	3.54	4.00	2.85	3.60	3.00	4.00	3.50	4.85	3.73
1892..	3.94	4.00	3.60	4.00	3.12	3.59	3.00	4.00	3.50	4.39	3.66
1893..	3.94	4.00	3.60	4.00	3.09	3.78	3.00	4.00	3.50	4.40	3.61
1894..	4.11	4.00	3.20	4.00	2.40	3.61	3.00	4.00	3.50	4.41	3.46
1895..	3.12	4.00	3.20	4.00	2.59	3.58	3.00	4.00	3.50	4.42	3.37
1896..	3.11	4.00	3.20	4.00	2.83	3.15	3.00	4.00	3.50	4.37	3.36
1897..	3.12	4.00	2.56	4.00	2.68	3.15	3.00	4.00	3.50	4.40	3.28
1898..	3.12	4.00	2.40	4.00	2.75	3.15	3.00	4.00	3.50	4.41	3.29

TABLE II.—AVERAGE DAILY WAGES IN GOLD IN CERTAIN CITIES OF THE UNITED STATES, 1870 TO 1898—Continued.

[The wages for the years 1870 to 1878, inclusive, except in the case of San Francisco, were reported in currency. In converting wages in currency into wages in gold the value of \$100 gold in currency for January of each year from 1870 to 1877 and the average value for the entire year 1878, as given in

PAINTERS, HOUSE.

Year.	Balti- more.	Bos- ton.	Chi- cago.	Cin- cin- nati.	New Or- leans.	New York.	Phila- del- phia.	Pitts- burg and Alle- gheny.	Rich- mond.	St. Louis.	St. Paul.	San Fran- cisco.	Aver- age.
1870..	\$2.00	\$2.20	\$1.60	\$2.06	\$2.06	\$2.43	\$2.39	\$2.06	\$1.65	\$2.06	\$2.28	\$3.72	\$2.22
1871..	2.25	2.46	1.85	2.25	2.25	2.60	2.55	2.27	1.80	2.25	2.50	4.66	2.40
1872..	2.29	2.57	2.40	2.29	2.75	2.60	2.68	2.31	1.83	2.29	2.44	3.70	2.52
1873..	2.21	2.14	1.76	2.21	2.66	2.59	2.59	2.21	1.55	2.21	2.39	3.69	2.39
1874..	2.24	2.47	1.65	2.24	1.79	2.43	2.24	2.24	1.57	2.24	2.39	3.25	2.25
1875..	2.22	2.36	1.60	2.22	1.77	2.48	2.62	2.22	1.56	2.22	2.37	3.16	2.23
1876..	2.21	2.01	1.51	2.21	1.77	2.47	2.35	2.00	1.56	2.21	2.39	3.26	2.16
1877..	2.35	1.95	1.97	2.35	2.11	2.62	2.33	2.11	1.64	2.35	2.44	3.10	2.25
1878..	2.40	2.04	1.88	2.22	2.22	2.75	2.26	2.35	1.72	2.46	2.61	3.12	2.34
1879..	2.50	1.84	1.94	2.00	2.00	2.80	2.80	2.34	1.75	2.50	2.65	3.10	2.31
1880..	2.50	2.18	2.08	2.00	2.00	3.00	2.35	2.50	2.00	2.50	2.75	3.10	2.41
1881..	2.50	2.31	2.27	2.25	2.00	3.00	2.57	2.50	2.00	2.50	2.75	3.00	2.47
1882..	2.50	2.42	2.52	2.37	2.00	3.00	2.55	2.50	2.00	2.50	2.75	3.00	2.51
1883..	2.50	2.46	2.59	2.37	2.00	3.30	2.75	3.00	2.00	2.50	2.75	3.16	2.61
1884..	2.50	2.43	2.58	2.37	2.25	3.30	2.72	3.00	2.50	2.42	2.75	3.07	2.66
1885..	2.50	2.48	2.67	2.25	2.25	3.30	2.77	2.77	2.50	2.42	2.75	3.00	2.64
1886..	2.50	2.41	2.41	2.50	2.25	3.50	2.72	2.62	2.50	2.41	2.75	3.00	2.62
1887..	2.50	2.52	2.40	2.50	2.25	3.50	2.74	3.00	2.00	2.42	2.75	3.00	2.63
1888..	2.50	2.51	2.51	2.50	2.25	3.50	2.72	3.00	2.00	2.42	2.75	3.00	2.64
1889..	2.50	2.40	2.44	2.50	2.25	3.50	2.74	2.83	2.00	2.42	2.75	3.00	2.61
1890..	2.50	2.52	2.30	2.50	2.25	3.50	2.74	3.00	1.75	2.43	2.75	2.89	2.59
1891..	2.50	2.56	2.42	2.47	2.25	3.50	2.70	3.00	1.75	2.43	2.75	2.92	2.61
1892..	2.50	2.58	2.59	2.61	2.70	3.50	2.72	3.00	2.00	2.50	2.63	2.92	2.62
1893..	2.50	2.52	2.81	2.61	2.70	3.50	2.74	3.00	2.00	2.50	2.50	2.88	2.69
1894..	2.50	2.74	2.63	2.61	2.70	3.50	2.72	2.79	2.00	2.50	2.50	2.89	2.67
1895..	2.50	2.58	2.64	2.61	2.25	3.50	2.72	2.83	1.75	2.50	2.50	2.83	2.60
1896..	2.50	2.54	2.61	2.61	2.25	3.50	2.72	2.72	1.75	2.50	2.50	2.83	2.58
1897..	2.50	2.63	2.80	2.61	2.00	3.50	2.67	2.67	1.75	2.50	2.50	2.72	2.57
1898..	2.50	2.85	2.81	2.61	2.00	3.50	2.70	2.71	1.75	2.50	2.50	2.75	2.60

PATTERN MAKERS, IRON WORKS.

1870..	2.47	3.50	2.65	2.54	3.50	2.45	1.94	2.20	.....	2.34	3.09	3.00	2.70
1871..	2.71	3.61	2.93	2.78	3.40	2.53	2.30	2.46	.....	2.56	3.38	3.44	2.92
1872..	2.75	3.96	2.96	2.82	3.55	2.52	2.36	2.33	.....	2.60	3.43	3.47	2.98
1873..	2.66	3.77	2.88	2.60	3.55	2.61	2.41	2.21	.....	2.47	3.25	3.89	2.94
1874..	2.69	3.92	2.70	2.40	3.59	2.69	2.46	2.24	.....	2.50	3.29	3.75	2.94
1875..	2.66	3.53	2.65	2.44	3.55	2.91	2.19	2.01	.....	2.41	3.22	3.79	2.85
1876..	2.60	2.94	2.63	2.43	2.66	3.10	2.08	2.04	.....	2.36	3.21	3.36	2.68
1877..	2.76	2.94	2.57	2.38	2.82	3.29	2.30	2.10	.....	2.70	3.20	3.30	2.76
1878..	2.89	3.08	2.68	2.38	2.95	4.43	2.15	2.09	.....	2.83	3.35	3.17	2.91
1879..	2.93	4.10	2.69	2.62	3.01	3.65	2.02	2.10	.....	2.84	3.40	3.13	2.85
1880..	2.93	2.97	2.69	2.45	3.00	3.15	2.17	2.32	.....	2.84	3.37	3.08	2.82
1881..	3.84	2.95	2.86	2.58	3.00	3.12	2.40	2.43	.....	2.85	3.31	3.15	2.86
1882..	2.83	2.95	2.94	2.50	3.00	3.32	2.50	2.42	.....	2.87	3.33	3.30	2.88
1883..	2.61	2.75	2.92	2.50	3.00	3.62	2.53	2.54	.....	2.81	3.35	3.35	2.86
1884..	2.61	3.07	2.97	2.50	3.00	3.62	2.53	2.45	.....	2.81	3.35	3.32	2.86
1885..	2.61	2.47	2.93	2.50	3.00	3.37	2.43	2.55	.....	2.78	3.31	3.31	2.84
1886..	2.61	2.77	2.50	2.53	2.87	3.40	2.40	2.63	.....	2.82	3.31	3.34	2.88
1887..	2.61	3.00	2.94	2.36	3.00	3.50	2.71	2.65	.....	2.76	3.30	3.40	2.93
1888..	2.61	3.00	2.94	2.40	3.00	3.57	2.61	2.73	.....	2.76	3.32	3.42	2.95
1889..	2.61	3.10	2.96	2.38	3.00	3.35	2.61	2.75	.....	2.61	3.35	3.55	2.93
1890..	2.61	3.10	2.95	2.50	2.87	3.55	2.67	2.70	.....	2.69	3.50	3.56	2.98
1891..	2.61	3.10	3.22	2.66	2.87	3.82	2.68	2.78	.....	2.69	3.50	3.58	3.05
1892..	2.61	3.10	3.23	2.61	2.87	3.60	2.67	2.69	.....	2.69	3.50	3.56	3.01
1893..	2.61	3.27	3.46	2.41	2.83	3.42	2.70	2.57	.....	2.77	3.34	3.15	2.96
1894..	2.61	2.97	2.88	2.18	2.75	3.67	2.48	2.55	.....	2.76	3.32	3.18	2.89
1895..	2.61	3.10	2.96	2.18	2.87	3.37	2.67	2.74	.....	2.78	3.35	3.29	2.90
1896..	2.61	2.85	2.92	2.22	2.75	3.10	2.70	2.69	.....	2.78	3.32	3.32	2.89
1897..	2.61	2.75	2.93	2.22	2.87	3.05	2.68	2.58	.....	2.68	3.32	3.34	2.82
1898..	2.61	2.80	2.95	2.31	2.83	3.57	2.68	2.78	.....	2.68	3.31	3.35	2.80

TABLE II.—AVERAGE DAILY WAGES IN GOLD IN CERTAIN CITIES OF THE UNITED STATES, 1870 TO 1898—Continued.

the American Almanac for 1879, have been used, as follows: 1870, \$121.3; 1871, \$110.7; 1872, \$109.1; 1873, \$112.7; 1874, \$111.4; 1875, \$112.5; 1876, \$112.8; 1877, \$106.2, and 1878, \$101.4.]

PLUMBERS.

Year.	Balti- more.	Bos- ton.	Chi- cago.	Cin- cin- nati.	New Or- leans.	New York.	Phila- del- phia.	Pitta- burg and Alle- gheny.	Rich- mond.	St. Louis.	St. Paul.	San Fran- cisco.	Aver- age.
1870..	\$2.36	\$2.88	\$2.59	\$3.09	\$2.26	\$2.75	\$2.73	\$2.15	\$2.55	\$2.88	\$2.98	\$3.66	\$2.74
1871..	2.62	3.12	2.84	3.21	2.44	3.00	3.05	2.35	2.80	3.16	3.27	3.62	2.96
1872..	2.65	3.13	2.88	3.10	2.52	2.91	2.89	2.39	2.84	3.20	3.30	3.69	2.87
1873..	2.57	3.11	2.79	2.27	2.39	2.76	2.67	2.30	2.77	3.10	3.18	3.66	2.80
1874..	2.46	3.01	2.82	2.79	2.46	2.73	2.58	2.32	2.80	3.14	3.19	3.61	2.83
1875..	2.43	2.89	2.80	2.88	2.41	2.76	2.80	2.41	2.81	3.11	3.16	3.62	2.84
1876..	2.38	2.92	2.79	2.57	2.34	2.75	2.74	2.36	2.80	3.10	3.10	3.60	2.79
1877..	2.58	3.03	2.96	2.82	2.55	2.98	2.51	2.35	2.94	3.29	3.29	3.60	2.91
1878..	2.70	2.41	3.10	3.02	2.59	3.09	2.17	2.46	3.08	3.45	3.45	3.55	2.92
1879..	2.75	2.22	3.15	2.83	2.70	3.12	2.41	2.70	3.12	3.50	3.50	3.62	2.97
1880..	2.70	2.65	3.07	2.73	2.75	3.39	2.35	2.50	2.41	3.50	3.50	3.02	2.98
1881..	2.70	2.72	3.50	2.93	2.66	3.43	2.47	2.16	2.62	3.50	3.50	3.43	2.97
1882..	2.70	2.78	3.50	3.10	2.60	3.50	2.50	2.16	2.60	3.50	3.50	3.50	2.99
1883..	2.71	2.96	3.50	2.78	2.64	3.50	2.66	2.75	2.62	3.50	3.50	3.53	3.01
1884..	2.70	3.11	3.50	2.82	2.75	3.50	2.66	2.83	2.10	3.50	3.50	3.44	3.03
1885..	2.70	3.21	3.50	2.68	2.70	3.50	2.81	2.80	2.12	3.50	3.50	3.55	3.05
1886..	2.73	3.24	3.60	3.10	2.71	3.50	2.75	2.91	2.12	3.50	3.50	3.50	3.09
1887..	2.64	3.26	3.57	3.31	2.66	3.60	2.97	2.90	2.12	3.50	3.50	3.50	3.13
1888..	2.64	3.17	3.57	3.16	2.58	3.60	3.22	3.00	2.10	3.50	3.50	3.50	3.13
1889..	2.64	3.23	3.50	3.21	2.60	3.59	3.17	3.07	2.20	3.50	3.50	3.45	3.15
1890..	2.78	3.18	3.75	2.90	2.84	3.58	3.00	3.00	2.20	3.50	3.50	3.55	3.15
1891..	2.78	3.25	3.75	3.24	2.66	3.59	3.04	3.08	2.20	3.50	3.50	3.50	3.16
1892..	2.81	3.17	3.75	3.50	2.71	3.58	3.12	3.00	2.20	3.50	3.50	3.57	3.20
1893..	2.81	3.30	3.75	3.50	2.80	3.72	2.96	3.12	2.25	3.50	3.50	3.54	3.21
1894..	2.81	3.13	3.75	3.25	2.70	3.74	3.00	3.14	2.25	3.50	3.50	3.57	3.19
1895..	2.75	3.28	3.75	2.98	2.58	3.74	3.06	3.08	2.25	3.50	3.50	3.58	3.17
1896..	2.81	3.30	3.75	2.83	2.66	3.72	3.01	3.12	2.25	3.50	3.50	3.58	3.17
1897..	2.78	3.81	3.75	2.79	2.71	3.73	2.82	3.07	2.25	3.50	3.50	3.54	3.14
1898..	2.78	3.27	3.75	2.92	2.64	3.73	2.70	3.16	2.25	3.50	3.50	3.61	3.15

STONECUTTERS.

Year.	Balti- more.	Bos- ton.	Chi- cago.	Cin- cin- nati.	New Or- leans.	New York.	Phila- del- phia.	Pitta- burg and Alle- gheny.	Rich- mond.	St. Louis.	St. Paul.	San Fran- cisco.	Aver- age.
1870..	3.29	3.37	2.88	2.88	3.71	.....	2.85	3.20	2.88	2.06	2.47	4.13	3.07
1871..	3.61	3.63	3.16	3.16	4.06	.....	3.09	3.46	3.16	2.36	2.71	4.11	3.32
1872..	3.66	3.68	4.58	4.58	4.12	.....	3.45	3.75	3.20	2.25	2.75	4.07	3.64
1873..	3.55	3.99	2.66	3.99	3.99	.....	3.31	3.51	3.10	2.21	2.66	4.07	3.37
1874..	3.59	3.56	2.24	3.59	4.04	.....	3.36	3.06	2.69	2.21	2.60	4.04	3.19
1875..	3.55	2.75	2.00	3.55	3.55	.....	3.32	2.66	2.60	2.13	2.66	4.04	2.99
1876..	2.66	2.44	2.21	2.88	3.32	.....	2.93	2.21	2.66	2.55	2.66	3.77	2.75
1877..	2.82	2.46	2.35	2.35	2.35	.....	2.69	2.11	2.82	2.52	3.04	3.79	2.66
1878..	2.95	2.78	2.46	2.22	2.46	.....	2.46	2.40	2.95	2.59	3.45	3.66	2.76
1879..	3.00	2.68	2.50	2.25	2.50	.....	2.07	2.25	3.00	2.67	3.50	3.70	2.74
1880..	3.00	2.58	3.00	2.09	2.50	.....	2.49	2.51	3.00	2.78	3.50	3.66	2.83
1881..	3.00	3.14	3.00	2.83	2.75	.....	2.76	3.25	3.00	2.80	3.50	3.67	3.06
1882..	3.00	2.79	3.00	3.08	3.00	.....	3.29	3.37	3.00	3.06	3.50	3.65	3.16
1883..	3.00	3.01	3.00	3.39	2.75	.....	3.28	3.53	3.00	3.06	3.50	3.64	3.19
1884..	3.00	3.60	3.00	3.50	2.50	.....	3.27	3.55	3.00	2.81	3.50	3.61	3.21
1885..	3.00	3.08	3.00	3.15	2.50	.....	3.28	3.60	3.00	2.81	3.50	3.61	3.14
1886..	3.25	3.02	3.50	3.60	2.50	.....	3.03	3.60	3.00	2.87	3.50	3.64	3.23
1887..	3.25	3.16	3.50	3.79	2.50	.....	3.04	3.61	3.00	3.00	3.50	3.63	3.27
1888..	3.60	3.08	3.50	4.05	2.50	.....	3.28	3.63	3.00	3.12	3.50	3.67	3.36
1889..	3.60	3.16	3.50	4.05	2.50	.....	3.33	3.81	3.00	3.12	3.50	3.68	3.38
1890..	3.60	3.32	4.00	4.05	2.50	.....	3.27	3.70	3.00	3.36	3.50	3.67	3.45
1891..	3.56	3.32	4.00	4.05	2.50	.....	3.52	3.97	3.00	3.41	3.50	3.68	3.50
1892..	3.44	2.94	4.50	4.05	2.50	.....	3.51	3.97	3.00	3.51	3.37	3.64	3.49
1893..	3.44	2.76	4.00	4.02	2.50	.....	3.51	4.12	3.00	3.65	3.30	3.60	3.45
1894..	3.44	2.81	4.00	3.60	2.62	.....	3.53	3.60	3.00	3.14	3.39	3.62	3.44
1895..	3.44	2.60	4.00	3.60	3.00	.....	3.53	3.60	3.00	3.30	3.39	3.62	3.36
1896..	3.44	2.66	4.00	3.60	2.50	.....	3.53	3.60	3.00	3.30	3.39	3.67	3.38
1897..	3.44	2.82	4.00	3.60	2.75	.....	3.08	3.60	3.00	3.05	3.39	3.61	3.30
1898..	3.44	2.94	4.50	3.00	2.75	.....	3.15	3.60	2.66	2.56	3.39	3.51	3.23

TABLE I.—AVERAGE DAILY WAGES IN GOLD IN CERTAIN CITIES OF THE UNITED STATES, 1870 TO 1893—(Concluded).

[The wages for the years 1870 to 1878, inclusive, except in the case of San Francisco, were reported in currency. In converting wages in currency into wages in gold the value of \$100 gold in currency for January of each year from 1870 to 1877 and the average value for the entire year 1878, as given in the American Almanac for 1879, have been used, as follows: 1870, \$121.3; 1871, \$110.7; 1872, \$103.1; 1873, \$112.7; 1874, \$111.4; 1875, \$112.5; 1876, \$112.8; 1877, \$106.2, and 1878, \$101.4.]

TEAMSTERS.

Year.	Balti- more.	Bos- ton.	Chi- cago.	Cin- cin- nati.	New Or- leans.	New York.	Phila- del- phia.	Pitts- burg and Alle- gheny.	Rich- mond.	St. Louis.	St. Paul.	San Fran- cisco.	Aver- age.
1870..	\$1.48½	\$1.62½	\$1.74½	\$1.49½	\$1.86	\$1.68½	\$1.37½	\$1.69½	\$0.82½	\$1.38	\$1.23½	\$2.63½	\$1.58½
1871..	1.63	1.80½	1.90½	1.69½	2.06½	1.85½	1.50½	1.75½	1.13	1.51	1.35½	2.64	1.73½
1872..	1.65½	1.77	1.91½	1.81½	2.13½	1.88½	1.53½	1.98½	1.14½	1.53½	1.37½	2.63½	1.78½
1873..	1.60½	1.62½	1.78½	1.87½	2.06½	1.82½	1.46½	1.87½	1.11	1.49½	1.33	2.64	1.72½
1874..	1.62	1.97½	1.81½	1.61½	2.06	1.88½	1.50½	1.79½	1.12½	1.51	1.34½	2.62½	1.74
1875..	1.60½	1.83½	1.80½	1.63	2.09½	1.87½	1.48½	1.63	1.11	1.49½	1.33½	2.62½	1.71
1876..	1.60	1.78½	1.79½	1.73½	2.05½	1.88	1.52½	1.60	1.10½	1.49½	1.33	2.62½	1.71½
1877..	1.70	1.84½	1.91½	1.84½	2.19½	2.00	1.61½	1.57	1.17½	1.58½	1.41½	2.63½	1.79
1878..	1.78	1.93½	2.01½	1.72½	2.22½	2.10	1.69½	1.61½	1.23½	1.65½	1.72½	2.63½	1.86½
1879..	1.80½	1.85½	2.04½	1.70½	2.21½	2.13½	1.70½	1.69½	1.25	1.68½	1.75	2.65½	1.87½
1880..	1.80½	1.84½	2.04½	1.81½	2.21½	2.13½	1.70½	1.63½	1.25	1.69	1.61½	2.67½	1.86½
1881..	1.80½	1.75½	2.05½	1.87½	2.21½	2.14	1.72½	1.81½	1.25	1.68½	1.61½	2.64½	1.86½
1882..	1.80½	1.87	2.04½	1.85	2.18½	2.14	1.72	1.93	1.25	1.68½	1.61½	2.62½	1.86½
1883..	1.80½	1.91½	2.05½	1.71½	2.25½	2.13½	1.72½	1.97½	1.25	1.68	1.75	2.63	1.86½
1884..	1.55½	1.90	2.03½	1.75	2.29½	2.12½	1.73½	1.93½	1.25	1.69	1.75	2.62½	1.86½
1885..	1.55½	1.97½	2.02½	1.70½	2.30½	2.11½	1.73½	1.90½	1.25	1.68½	1.75	2.62½	1.86½
1886..	1.55½	2.00	2.04	1.93½	2.21½	2.11½	1.73½	1.95½	1.50	1.68½	1.75	2.61½	1.82½
1887..	1.55½	1.98	2.05	1.83½	2.33½	2.11½	1.73½	1.93	1.50	1.90½	1.75	2.60	1.84
1888..	1.55½	2.03	2.04	1.83½	2.35½	2.11½	1.73	1.98	1.50	1.91	1.75	2.60½	1.85
1889..	1.55½	2.10½	2.04½	1.84½	2.10	2.12	1.74	2.02½	1.50	1.90½	1.75	2.60½	1.94½
1890..	1.55½	2.06	2.04	1.86½	2.10	2.12½	1.71½	2.12	1.50	1.90½	1.75	2.61	1.94½
1891..	1.55½	2.11½	2.02½	1.88½	2.10	2.12½	1.70½	2.12	1.50	1.90½	1.75	2.59½	1.94½
1892..	1.55½	2.02½	2.02½	1.93½	2.16½	2.13	1.72½	2.12	1.50	1.90½	1.75	2.58½	1.95
1893..	1.55½	2.04½	2.02½	1.84½	1.91½	2.13½	1.71½	2.12	1.50	1.90½	1.75	2.58½	1.96½
1894..	1.55½	2.05½	2.04½	1.79½	1.92½	2.13½	1.70	2.10½	1.50	1.89½	1.75	2.58½	1.96½
1895..	1.55½	2.01	2.04½	1.83½	1.91½	2.12½	1.69½	2.10½	1.50	1.89½	1.75	2.57	1.96
1896..	1.55½	2.03½	2.02½	1.82½	1.77	2.07½	1.72½	2.10½	1.50	1.89½	1.75	2.57	1.96½
1897..	1.55½	1.99½	2.01½	1.85	1.77	2.07½	1.70½	2.02½	1.50	1.89½	1.75	2.58½	1.87½
1898..	1.55½	2.09½	2.00½	1.85	1.77½	2.07½	1.70½	2.02½	1.50	1.89½	1.75	2.58	1.86½

TABLE II.—AVERAGE DAILY WAGES IN CERTAIN CITIES OF GREAT BRITAIN, FRANCE, AND BELGIUM, 1870 TO 1896.

BLACKSMITHS.

Year.	Great Britain.				Paris, France.	Liege, Belgium.
	London.	Man- chester.	Glasgow.	Average.		
1870.....	(a)	\$1.29 $\frac{1}{2}$	\$1.09 $\frac{1}{2}$	\$1.19 $\frac{1}{2}$	\$1.19 $\frac{1}{2}$	\$0.88 $\frac{1}{2}$
1871.....	\$1.40	1.29 $\frac{1}{2}$	1.09 $\frac{1}{2}$	1.28 $\frac{1}{2}$	1.19 $\frac{1}{2}$	.80
1872.....	1.40	1.29 $\frac{1}{2}$	1.09 $\frac{1}{2}$	1.28 $\frac{1}{2}$	1.19 $\frac{1}{2}$	.81
1873.....	1.40	1.29 $\frac{1}{2}$	1.13 $\frac{1}{2}$	1.29 $\frac{1}{2}$	1.19 $\frac{1}{2}$	.90
1874.....	1.40	1.29 $\frac{1}{2}$	1.17 $\frac{1}{2}$	1.31 $\frac{1}{2}$	1.19 $\frac{1}{2}$	.88
1875.....	1.40	1.29 $\frac{1}{2}$	1.17 $\frac{1}{2}$	1.31 $\frac{1}{2}$	1.23	.80 $\frac{1}{2}$
1876.....	1.54 $\frac{1}{2}$	1.29 $\frac{1}{2}$	1.17 $\frac{1}{2}$	1.34	1.23	.76 $\frac{1}{2}$
1877.....	1.54 $\frac{1}{2}$	1.38	1.18 $\frac{1}{2}$	1.35 $\frac{1}{2}$	1.23	.76 $\frac{1}{2}$
1878.....	1.54 $\frac{1}{2}$	1.38	1.09 $\frac{1}{2}$	1.34	1.23	.70
1879.....	1.54 $\frac{1}{2}$	1.38	1.09 $\frac{1}{2}$	1.34	1.23	.74
1880.....	1.54 $\frac{1}{2}$	1.38	1.21 $\frac{1}{2}$	1.38	1.30 $\frac{1}{2}$	.75 $\frac{1}{2}$
1881.....	1.54 $\frac{1}{2}$	1.38	1.17 $\frac{1}{2}$	1.30 $\frac{1}{2}$	1.30 $\frac{1}{2}$	.86 $\frac{1}{2}$
1882.....	1.54 $\frac{1}{2}$	1.38	1.21 $\frac{1}{2}$	1.38	1.30 $\frac{1}{2}$	.87
1883.....	1.54 $\frac{1}{2}$	1.38	1.21 $\frac{1}{2}$	1.38	1.30 $\frac{1}{2}$	.79 $\frac{1}{2}$
1884.....	1.54 $\frac{1}{2}$	1.38	1.21 $\frac{1}{2}$	1.38	1.30 $\frac{1}{2}$	.80 $\frac{1}{2}$
1885.....	1.54 $\frac{1}{2}$	1.38	1.21 $\frac{1}{2}$	1.38	1.30 $\frac{1}{2}$	.78 $\frac{1}{2}$
1886.....	1.54 $\frac{1}{2}$	1.38	1.17 $\frac{1}{2}$	1.36 $\frac{1}{2}$	1.38 $\frac{1}{2}$	.78 $\frac{1}{2}$
1887.....	1.54 $\frac{1}{2}$	1.38	1.17 $\frac{1}{2}$	1.36 $\frac{1}{2}$	1.39 $\frac{1}{2}$	.79 $\frac{1}{2}$
1888.....	1.54 $\frac{1}{2}$	1.38	1.21 $\frac{1}{2}$	1.38	1.41 $\frac{1}{2}$	.81
1889.....	1.54 $\frac{1}{2}$	1.29 $\frac{1}{2}$	1.25 $\frac{1}{2}$	1.36 $\frac{1}{2}$	1.41 $\frac{1}{2}$	.78 $\frac{1}{2}$
1890.....	1.54 $\frac{1}{2}$	1.38	1.25 $\frac{1}{2}$	1.39 $\frac{1}{2}$	1.56 $\frac{1}{2}$	.76 $\frac{1}{2}$
1891.....	1.62 $\frac{1}{2}$	1.38	1.29 $\frac{1}{2}$	1.43 $\frac{1}{2}$	1.56 $\frac{1}{2}$	.84 $\frac{1}{2}$
1892.....	1.62 $\frac{1}{2}$	1.38	1.33 $\frac{1}{2}$	1.44 $\frac{1}{2}$	1.56 $\frac{1}{2}$	.87
1893.....	1.62 $\frac{1}{2}$	1.38	1.41	1.47	1.56 $\frac{1}{2}$	.87 $\frac{1}{2}$
1894.....	1.62 $\frac{1}{2}$	1.38	1.36	1.45 $\frac{1}{2}$	1.71 $\frac{1}{2}$	.89 $\frac{1}{2}$
1895.....	1.62 $\frac{1}{2}$	1.38	1.44	1.48 $\frac{1}{2}$	1.71 $\frac{1}{2}$	.82 $\frac{1}{2}$
1896.....	1.62 $\frac{1}{2}$	1.40	1.48	1.52	1.71 $\frac{1}{2}$	.89 $\frac{1}{2}$

a Not reported.

BLACKSMITHS' HELPERS.

1870.....	.81 $\frac{1}{2}$	.73	.77 $\frac{1}{2}$	.78 $\frac{1}{2}$	.52 $\frac{1}{2}$
1871.....	.81 $\frac{1}{2}$	.73	.77 $\frac{1}{2}$	.78 $\frac{1}{2}$	.53
1872.....	.81 $\frac{1}{2}$	.73	.77 $\frac{1}{2}$	.79 $\frac{1}{2}$	.51
1873.....	.81 $\frac{1}{2}$	.73	.77 $\frac{1}{2}$	.79 $\frac{1}{2}$	.56 $\frac{1}{2}$
1874.....	.81 $\frac{1}{2}$	.73	.77 $\frac{1}{2}$	.79 $\frac{1}{2}$	.56 $\frac{1}{2}$
1875.....	.81 $\frac{1}{2}$	.73	.77 $\frac{1}{2}$	.81	.53
1876.....	.85 $\frac{1}{2}$	.73	.79 $\frac{1}{2}$	.81	.52
1877.....	.85 $\frac{1}{2}$	.73	.79 $\frac{1}{2}$	.81	.50 $\frac{1}{2}$
1878.....	.85 $\frac{1}{2}$	.73	.79 $\frac{1}{2}$	.81	.47
1879.....	.85 $\frac{1}{2}$	.73	.79 $\frac{1}{2}$	.81	.47 $\frac{1}{2}$
1880.....	.85 $\frac{1}{2}$	.75	.80 $\frac{1}{2}$	.82 $\frac{1}{2}$	.51 $\frac{1}{2}$
1881.....	.85 $\frac{1}{2}$	.75	.80 $\frac{1}{2}$	.82 $\frac{1}{2}$	.51 $\frac{1}{2}$
1882.....	.85 $\frac{1}{2}$	.75	.80 $\frac{1}{2}$	.82 $\frac{1}{2}$	.53
1883.....	.85 $\frac{1}{2}$	.77	.81 $\frac{1}{2}$	.82 $\frac{1}{2}$	.53
1884.....	.85 $\frac{1}{2}$	.75	.80 $\frac{1}{2}$	.82 $\frac{1}{2}$	.52
1885.....	.85 $\frac{1}{2}$	.73	.79 $\frac{1}{2}$	.82 $\frac{1}{2}$	.48 $\frac{1}{2}$
1886.....	.85 $\frac{1}{2}$	.73	.79 $\frac{1}{2}$	.97 $\frac{1}{2}$	.48 $\frac{1}{2}$
1887.....	.85 $\frac{1}{2}$	.77	.81 $\frac{1}{2}$	.97 $\frac{1}{2}$	.48 $\frac{1}{2}$
1888.....	.85 $\frac{1}{2}$	.70	.82 $\frac{1}{2}$	.97 $\frac{1}{2}$	.48 $\frac{1}{2}$
1889.....	.81 $\frac{1}{2}$	.70	.80 $\frac{1}{2}$	.98 $\frac{1}{2}$	.50 $\frac{1}{2}$
1890.....	.85 $\frac{1}{2}$	.81 $\frac{1}{2}$	.83 $\frac{1}{2}$	.98 $\frac{1}{2}$	.47 $\frac{1}{2}$
1891.....	.85 $\frac{1}{2}$	.81 $\frac{1}{2}$	.83 $\frac{1}{2}$	.96 $\frac{1}{2}$	.50 $\frac{1}{2}$
1892.....	.85 $\frac{1}{2}$	.85 $\frac{1}{2}$	.85 $\frac{1}{2}$	.98 $\frac{1}{2}$	.51
1893.....	.85 $\frac{1}{2}$	.81 $\frac{1}{2}$	.83 $\frac{1}{2}$	.98 $\frac{1}{2}$	.52
1894.....	.85 $\frac{1}{2}$	.85 $\frac{1}{2}$	.85 $\frac{1}{2}$	.99 $\frac{1}{2}$	.51
1895.....	.85 $\frac{1}{2}$	.85 $\frac{1}{2}$	.85 $\frac{1}{2}$	.99 $\frac{1}{2}$	.52 $\frac{1}{2}$
1896.....	.98 $\frac{1}{2}$	.86 $\frac{1}{2}$	.89 $\frac{1}{2}$	.99 $\frac{1}{2}$	.53

TABLE II.—AVERAGE DAILY WAGES IN CERTAIN CITIES OF GREAT BRITAIN, FRANCE, AND BELGIUM, 1870 TO 1896—Continued.

BOILER MAKERS.

Year	Great Britain.				Paris, France.	Liege, Belgium.
	London.	Man- chester.	Glasgow.	Average.		
1870.....					\$1.35	.....
1871.....					1.35	.....
1872.....					1.35	.....
1873.....					1.35	.....
1874.....					1.35	.....
1875.....					1.35	.....
1876.....					1.35	.....
1877.....					1.35	.....
1878.....					1.35	\$.72
1879.....					1.35	72
1880.....					1.48	72
1881.....					1.48	75
1882.....					1.48	76
1883.....					1.48	76
1884.....					1.48	76
1885.....					1.48	76
1886.....					1.48	77
1887.....					1.48	77
1888.....					1.48	72
1889.....					1.48	72
1890.....					1.64	74
1891.....					1.64	75
1892.....					1.64	75
1893.....					1.64	75
1894.....					1.64	74
1895.....					1.64	74
1896.....					1.64	75

BOILER MAKERS' HELPERS.

Year	London.	Man- chester.	Glasgow.	Average.	Paris, France.	Liege, Belgium.
1870.....	\$1.21	\$1.29		\$1.25	.77	.....
1871.....	1.21	1.29		1.25	.77	.....
1872.....	1.21	1.29		1.25	.77	.....
1873.....	1.21	1.29		1.25	.77	.....
1874.....	1.21	1.29		1.25	.77	.....
1875.....	1.21	1.29		1.25	.77	.....
1876.....	1.21	1.29		1.25	.77	.....
1877.....	1.21	1.29		1.25	.77	.....
1878.....	1.21	1.29		1.25	.77	.62
1879.....	1.21	1.29		1.25	.77	.62
1880.....	1.21	1.29		1.25	.86	.62
1881.....	1.21	1.29		1.25	.86	.62
1882.....	1.46	1.29		1.38	.86	.61
1883.....	1.46	1.29		1.38	.86	.59
1884.....	1.46	1.29		1.38	.86	.59
1885.....	1.46	1.29		1.38	.86	.59
1886.....	1.46	1.29		1.38	.86	.58
1887.....	1.46	1.29		1.38	.86	.58
1888.....	1.46	1.29		1.38	.86	.58
1889.....	1.46	1.29		1.38	.86	.58
1890.....	1.46	1.29		1.38	.86	.56
1891.....	1.46	1.29		1.38	.86	.60
1892.....	1.46	1.29		1.38	.86	.61
1893.....	1.46	1.29		1.38	.86	.63
1894.....	1.46	1.29		1.38	.86	.60
1895.....	1.46	1.29		1.38	.86	.60
1896.....	1.46	1.29		1.38	.86	.64

TABLE II.—AVERAGE DAILY WAGES IN CERTAIN CITIES OF GREAT BRITAIN, FRANCE, AND BELGIUM, 1870 TO 1896—Continued.

BRICKLAYERS.

Year.	Great Britain.				Paris, France.	Liege, Belgium.
	London.	Man- chester.	Glasgow.	Average.		
1870.....	\$1.53	\$1.65	\$1.13	\$1.44	\$1.06	.....
1871.....	1.53	1.65	1.13	1.44	1.06	.....
1872.....	1.51	1.65	1.21	1.46	1.15	.....
1873.....	1.59	1.56	1.21	1.46	1.15	.....
1874.....	1.59	1.56	1.38	1.51	1.15	.....
1875.....	1.59	1.65	1.39	1.54	1.15	.....
1876.....	1.59	1.84	1.55	1.66	1.15	.....
1877.....	1.59	1.84	1.55	1.66	1.44	.....
1878.....	1.59	1.65	1.55	1.60	1.44	.....
1879.....	1.59	1.65	1.21	1.49	1.44	.....
1880.....	1.59	1.56	1.21	1.46	1.64	.....
1881.....	1.59	1.56	1.21	1.46	1.64	.....
1882.....	1.59	1.56	1.21	1.46	1.64	.....
1883.....	1.59	1.56	1.38	1.51	1.64	.....
1884.....	1.59	1.56	1.38	1.51	1.64	.....
1885.....	1.59	1.56	1.21	1.46	1.64	.....
1886.....	1.59	1.56	1.21	1.46	1.64	.....
1887.....	1.59	1.56	1.21	1.46	1.64	.....
1888.....	1.59	1.56	1.29	1.48	1.64	.....
1889.....	1.59	1.56	1.38	1.51	1.64	.....
1890.....	1.59	1.56	1.46	1.54	1.64	.....
1891.....	1.59	1.65	1.55	1.60	1.64	.....
1892.....	1.60	1.65	1.55	1.60	1.64	.....
1893.....	1.60	1.65	1.55	1.60	1.64	.....
1894.....	1.60	1.74	1.55	1.63	1.64	.....
1895.....	1.60	1.74	1.55	1.63	1.64	.....
1896.....	1.68	1.84	1.55	1.69	1.64	.....

CABINETMAKERS.

1870.....	1.22	1.37	.....	1.30	1.28	\$0.67
1871.....	1.22	1.37	.....	1.30	1.28	.67
1872.....	1.51	1.37	.....	1.44	1.28	.67
1873.....	1.51	1.37	.....	1.44	1.28	.67
1874.....	1.51	1.37	.....	1.44	1.28	.67
1875.....	1.51	1.37	.....	1.44	1.28	.67
1876.....	1.64	1.37	.....	1.50	1.28	.67
1877.....	1.64	1.37	.....	1.50	1.28	.67
1878.....	1.64	1.37	.....	1.50	1.44	.67
1879.....	1.64	1.37	.....	1.50	1.44	.67
1880.....	1.64	1.37	.....	1.50	1.44	.67
1881.....	1.64	1.37	.....	1.50	1.44	.67
1882.....	1.64	1.37	.....	1.50	1.44	.67
1883.....	1.64	1.37	.....	1.50	1.49	.67
1884.....	1.64	1.37	.....	1.50	1.49	.67
1885.....	1.64	1.37	.....	1.50	1.49	.67
1886.....	1.64	1.37	.....	1.50	1.49	.67
1887.....	1.64	1.37	.....	1.50	1.49	.67
1888.....	1.64	1.37	.....	1.50	1.49	.67
1889.....	1.64	1.37	.....	1.50	1.65	.67
1890.....	1.64	1.37	.....	1.50	1.65	.67
1891.....	1.64	1.37	.....	1.50	1.65	.67
1892.....	1.64	1.37	.....	1.50	1.65	.70
1893.....	1.64	1.37	.....	1.50	1.65	.70
1894.....	1.64	1.37	.....	1.50	1.65	.70
1895.....	1.64	1.37	.....	1.50	1.65	.70
1896.....	1.68	1.37	.....	1.53	1.65	.70

TABLE II.—AVERAGE DAILY WAGES IN CERTAIN CITIES OF GREAT BRITAIN, FRANCE, AND BELGIUM, 1870 TO 1893—Continued.

CARPENTERS. (a)

Year.	Great Britain.				Paris, France.	Liege, Belgium.
	London.	Manchester.	Glasgow.	Average.		
1870.....	\$1.53	\$1.34	\$1.12	\$1.33	\$1.20	.....
1871.....	1.53	1.34	1.12	1.33	1.20	.....
1872.....	1.51	1.34	1.21	1.35	1.20	.....
1873.....	1.50	1.47	1.29	1.45	1.20	.....
1874.....	1.50	1.47	1.38	1.48	1.20	.....
1875.....	1.50	1.49	1.46	1.52	1.24	.....
1876.....	1.50	1.49	1.55	1.54	1.38	.....
1877.....	1.50	1.49	1.55	1.54	1.37	.....
1878.....	1.50	1.47	1.38	1.48	1.37	.....
1879.....	1.50	1.47	1.12	1.40	1.37	.....
1880.....	1.50	1.47	1.12	1.40	1.37	.....
1881.....	1.50	1.47	1.21	1.42	1.37	.....
1882.....	1.50	1.47	1.21	1.42	1.55	.....
1883.....	1.50	1.47	1.29	1.45	1.55	\$0.78
1884.....	1.50	1.47	1.29	1.45	1.55	.78
1885.....	1.50	1.47	1.29	1.45	1.55	.78
1886.....	1.50	1.47	1.29	1.45	1.55	.77
1887.....	1.50	1.47	1.29	1.45	1.55	.78
1888.....	1.50	1.47	1.29	1.45	1.55	.77
1889.....	1.50	1.47	1.38	1.48	1.55	.78
1890.....	1.50	1.49	1.38	1.49	1.55	.78
1891.....	1.50	1.49	1.46	1.50	1.55	.78
1892.....	1.50	1.49	1.46	1.52	1.55	.78
1893.....	1.50	1.49	1.46	1.52	1.55	.79
1894.....	1.50	1.49	1.46	1.52	1.55	.80
1895.....	1.50	1.50	1.46	1.52	1.55	.79
1896.....	1.50	1.50	1.53	1.58	1.55	.81

a In Great Britain and Belgium joiners are included in carpenters.

COMPOSITORS.

1870.....	1.46	1.21	1.11	1.26	1.15	.64
1871.....	1.46	1.21	1.21	1.29	1.15	.65
1872.....	1.46	1.33	1.21	1.33	1.15	.64
1873.....	1.46	1.33	1.21	1.33	1.15	.67
1874.....	1.46	1.42	1.21	1.36	1.15	.69
1875.....	1.46	1.42	1.21	1.36	1.15	.67
1876.....	1.46	1.42	1.21	1.36	1.15	.64
1877.....	1.46	1.42	1.31	1.40	1.15	.66
1878.....	1.46	1.42	1.31	1.40	1.25	.71
1879.....	1.46	1.42	1.31	1.40	1.25	.72
1880.....	1.46	1.42	1.31	1.40	1.25	.72
1881.....	1.46	1.42	1.31	1.40	1.25	.74
1882.....	1.46	1.42	1.31	1.40	1.25	.73
1883.....	1.46	1.42	1.31	1.40	1.25	.75
1884.....	1.46	1.42	1.31	1.40	1.25	.75
1885.....	1.46	1.42	1.31	1.40	1.25	.82
1886.....	1.46	1.42	1.31	1.40	1.25	.76
1887.....	1.46	1.42	1.31	1.40	1.25	.77
1888.....	1.46	1.42	1.31	1.40	1.25	.77
1889.....	1.46	1.42	1.31	1.40	1.25	.75
1890.....	1.46	1.42	1.31	1.40	1.25	.78
1891.....	1.54	1.42	1.38	1.44	1.25	.75
1892.....	1.54	1.42	1.38	1.44	1.25	.77
1893.....	1.54	1.42	1.38	1.44	1.25	.78
1894.....	1.54	1.42	1.38	1.44	1.25	.79
1895.....	1.54	1.42	1.38	1.44	1.25	.79
1896.....	1.54	1.42	1.38	1.44	1.25	.79

TABLE II.—AVERAGE DAILY WAGES IN CERTAIN CITIES OF GREAT BRITAIN, FRANCE, AND BELGIUM, 1870 TO 1896—Continued.

MOD CARRIERS.

Year.	Great Britain.				Paris, France.	Liege, Belgium.
	London.	Man- chester.	Glasgow.	Average.		
1870.....					\$0.67½	
1871.....					.67½	
1872.....					.77½	
1873.....					.77½	
1874.....					.77½	
1875.....					.77½	
1876.....					.77½	
1877.....					.86½	
1878.....					.86½	
1879.....					.80½	
1880.....					.80½	
1881.....					1.00½	
1882.....					1.00½	
1883.....					1.80½	
1884.....					1.00½	
1885.....					1.00½	
1886.....					1.00½	
1887.....					1.06½	\$0.44½
1888.....					1.06½	.46
1889.....					1.06½	.46½
1890.....					1.06½	.48½
1891.....					1.06½	.48½
1892.....					1.06½	.49½
1893.....					1.06½	.49½
1894.....					1.06½	.42½
1895.....					1.06½	.51
1896.....					1.06½	.47½

IRON MOLDERS.

Year.	London.	Man- chester.	Glasgow.	Average.	Paris, France.	Liege, Belgium.
1870.....	\$1.46	\$1.46		\$1.46	1.23	.72½
1871.....	1.46	1.46		1.46	1.28½	.73
1872.....	1.46	1.46		1.46	1.28	.74½
1873.....	1.46	1.54½		1.50½	1.26½	.72½
1874.....	1.40	1.54½		1.50½	1.25½	.73½
1875.....	1.54½	1.54½		1.54½	1.26	.84
1876.....	1.64½	1.54½		1.54½	1.26½	.81½
1877.....	1.54½	1.54½		1.54½	1.26½	.79
1878.....	1.54½	1.46		1.50½	1.25½	.70½
1879.....	1.54½	1.46		1.50½	1.20½	.71½
1880.....	1.54½	1.46		1.50½	1.28½	.76
1881.....	1.54½	1.46		1.50½	1.28½	.78
1882.....	1.54½	1.54½		1.54½	1.28½	.82
1883.....	1.54½	1.54½		1.54½	1.28½	.80½
1884.....	1.54½	1.54½		1.54½	1.30½	.77½
1885.....	1.54½	1.54½		1.54½	1.31	.71½
1886.....	1.54½	1.54½		1.54½	1.30½	.72½
1887.....	1.54½	1.51½		1.54½	1.30	.68½
1888.....	1.54½	1.54½		1.54½	1.29½	.69
1889.....	1.54½	1.54½		1.54½	1.28½	.71½
1890.....	1.54½	1.54½		1.54½	1.30½	.70
1891.....	1.54½	1.54½		1.54½	1.33	.72
1892.....	1.54½	1.54½		1.54½	1.31½	.71
1893.....	1.54½	1.54½		1.54½	1.3½	.70½
1894.....	1.54½	1.54½		1.54½	1.31½	.73½
1895.....	1.54½	1.54½		1.54½	1.37½	.75½
1896.....	1.62½	1.58½		1.60½	1.39½	.79½

TABLE III.—AVERAGE DAILY WAGES IN CERTAIN CITIES OF GREAT BRITAIN, FRANCE, AND BELGIUM, 1870 TO 1896—Continued.

IRON MOLDERS' HELPERS.

Year.	Great Britain.				Paris. France.	Liege. Belgium.
	London.	Man- chester.	Glasgow.	Average.		
1870.....					\$0.81½	\$0.48½
1871.....					.83½	.46½
1872.....					.82½	.49½
1873.....					.84½	.50
1874.....					.86½	.55½
1875.....					.85½	.54½
1876.....					.86	.53½
1877.....					.86½	.53½
1878.....					.87	.53½
1879.....					.87½	.53
1880.....					.87½	.50½
1881.....					.88½	.53
1882.....					.89	.54½
1883.....					.88½	.53½
1884.....					.89½	.53½
1885.....					.90½	.54½
1886.....					.89½	.54½
1887.....					.89½	.51½
1888.....					.92½	.51½
1889.....					.92½	.52½
1890.....					.92	.52½
1891.....					.93½	.52½
1892.....					.90½	.50½
1893.....					.93½	.50½
1894.....					.92½	.50½
1895.....					.92½	.51½
1896.....					.93½	.51

JOINERS. (a)

1870.....					1.06½	.....
1871.....					1.06½	.....
1872.....					1.06½	.....
1873.....					1.06½	.....
1874.....					1.06½	.....
1875.....					1.15½	.....
1876.....					1.15½	.....
1877.....					1.15½	.....
1878.....					1.15½	.....
1879.....					1.15½	.....
1880.....					1.27	.....
1881.....					1.27	.....
1882.....					1.35	.....
1883.....					1.35	.....
1884.....					1.35	.....
1885.....					1.35	.....
1886.....					1.35	.....
1887.....					1.35	.....
1888.....					1.35	.....
1889.....					1.35	.....
1890.....					1.35	.....
1891.....					1.35	.....
1892.....					1.35	.....
1893.....					1.35	.....
1894.....					1.35	.....
1895.....					1.35	.....
1896.....					1.35	.....

a See Carpenters.

TABLE II.—AVERAGE DAILY WAGES IN CERTAIN CITIES OF GREAT BRITAIN, FRANCE, AND BELGIUM, 1870 TO 1896—Continued.**LABORERS, OTHER.**

[An effort was made to obtain figures for the two classes—laborers, street, and laborers, other. Figures could be obtained for the second class only.]

Year.	Great Britain.				Paris, France.	Liege, Belgium.
	London.	Manchester.	Glasgow.	Average.		
1870.....					\$0.80 $\frac{1}{2}$	\$0.53 $\frac{1}{2}$
1871.....					.80 $\frac{1}{2}$	.53 $\frac{1}{2}$
1872.....					.80 $\frac{1}{2}$	.54 $\frac{1}{2}$
1873.....					.80 $\frac{1}{2}$	.54 $\frac{1}{2}$
1874.....					.80 $\frac{1}{2}$	.55 $\frac{1}{2}$
1875.....					.80 $\frac{1}{2}$	.54 $\frac{1}{2}$
1876.....					.80 $\frac{1}{2}$	.54 $\frac{1}{2}$
1877.....					.80 $\frac{1}{2}$	.54 $\frac{1}{2}$
1878.....					.80 $\frac{1}{2}$	.53 $\frac{1}{2}$
1879.....					.80 $\frac{1}{2}$	.54 $\frac{1}{2}$
1880.....					.80 $\frac{1}{2}$	.54 $\frac{1}{2}$
1881.....					.80 $\frac{1}{2}$	.54 $\frac{1}{2}$
1882.....					.80 $\frac{1}{2}$	.53 $\frac{1}{2}$
1883.....					.80 $\frac{1}{2}$	.53 $\frac{1}{2}$
1884.....					.80 $\frac{1}{2}$	.53 $\frac{1}{2}$
1885.....					.80 $\frac{1}{2}$	.53 $\frac{1}{2}$
1886.....					.80 $\frac{1}{2}$	.53 $\frac{1}{2}$
1887.....					.80 $\frac{1}{2}$	.53 $\frac{1}{2}$
1888.....					.80 $\frac{1}{2}$	.53 $\frac{1}{2}$
1889.....					.80 $\frac{1}{2}$	.53 $\frac{1}{2}$
1890.....					.90 $\frac{1}{2}$	.53 $\frac{1}{2}$
1891.....					.90 $\frac{1}{2}$	.52 $\frac{1}{2}$
1892.....					.90 $\frac{1}{2}$	.52 $\frac{1}{2}$
1893.....					.90 $\frac{1}{2}$	.52 $\frac{1}{2}$
1894.....					.90 $\frac{1}{2}$	.52 $\frac{1}{2}$
1895.....					.90 $\frac{1}{2}$	.53 $\frac{1}{2}$
1896.....					.90 $\frac{1}{2}$	.53 $\frac{1}{2}$

MACHINISTS.

Year.	London.	Manchester.	Glasgow.	Average.	Paris, France.	Liege, Belgium.
1870.....	\$1.46	\$1.21 $\frac{1}{2}$		\$1.34	1.33 $\frac{1}{2}$	.65 $\frac{1}{2}$
1871.....	1.46	1.21 $\frac{1}{2}$		1.34	1.34 $\frac{1}{2}$	.56 $\frac{1}{2}$
1872.....	1.46	1.29 $\frac{1}{2}$		1.38	1.31 $\frac{1}{2}$	.57 $\frac{1}{2}$
1873.....	1.46	1.29 $\frac{1}{2}$		1.38	1.31 $\frac{1}{2}$	.58 $\frac{1}{2}$
1874.....	1.46	1.29 $\frac{1}{2}$		1.38	1.32 $\frac{1}{2}$	.63 $\frac{1}{2}$
1875.....	1.46	1.29 $\frac{1}{2}$		1.38	1.32 $\frac{1}{2}$	(a) .56 $\frac{1}{2}$
1876.....	1.54 $\frac{1}{2}$	1.29 $\frac{1}{2}$		1.42	1.32 $\frac{1}{2}$	.63 $\frac{1}{2}$
1877.....	1.54 $\frac{1}{2}$	1.29 $\frac{1}{2}$		1.42	1.31 $\frac{1}{2}$	.63 $\frac{1}{2}$
1878.....	1.54 $\frac{1}{2}$	1.29 $\frac{1}{2}$		1.42	1.32 $\frac{1}{2}$	.59 $\frac{1}{2}$
1879.....	1.54 $\frac{1}{2}$	1.29 $\frac{1}{2}$		1.42	1.33 $\frac{1}{2}$	.61 $\frac{1}{2}$
1880.....	1.54 $\frac{1}{2}$	1.29 $\frac{1}{2}$		1.42	1.34 $\frac{1}{2}$	.62 $\frac{1}{2}$
1881.....	1.54 $\frac{1}{2}$	1.29 $\frac{1}{2}$		1.42	1.34 $\frac{1}{2}$	.63 $\frac{1}{2}$
1882.....	1.54 $\frac{1}{2}$	1.38		1.46 $\frac{1}{2}$	1.34 $\frac{1}{2}$	.65 $\frac{1}{2}$
1883.....	1.54 $\frac{1}{2}$	1.38		1.46 $\frac{1}{2}$	1.34 $\frac{1}{2}$	.65 $\frac{1}{2}$
1884.....	1.54 $\frac{1}{2}$	1.38		1.46 $\frac{1}{2}$	1.34 $\frac{1}{2}$	.62 $\frac{1}{2}$
1885.....	1.54 $\frac{1}{2}$	1.38		1.46 $\frac{1}{2}$	1.35	.64
1886.....	1.54 $\frac{1}{2}$	1.29 $\frac{1}{2}$		1.42	1.34 $\frac{1}{2}$	.63 $\frac{1}{2}$
1887.....	1.54 $\frac{1}{2}$	1.29 $\frac{1}{2}$		1.42	1.34	.60 $\frac{1}{2}$
1888.....	1.54 $\frac{1}{2}$	1.29 $\frac{1}{2}$		1.42	1.34 $\frac{1}{2}$	.65
1889.....	1.54 $\frac{1}{2}$	1.38		1.46 $\frac{1}{2}$	1.34 $\frac{1}{2}$	.61 $\frac{1}{2}$
1890.....	1.54 $\frac{1}{2}$	1.38		1.46 $\frac{1}{2}$	1.35 $\frac{1}{2}$	.66 $\frac{1}{2}$
1891.....	1.54 $\frac{1}{2}$	1.42		1.48 $\frac{1}{2}$	1.35 $\frac{1}{2}$	.64
1892.....	1.54 $\frac{1}{2}$	1.42		1.48 $\frac{1}{2}$	1.40 $\frac{1}{2}$	.64
1893.....	1.54 $\frac{1}{2}$	1.38		1.46 $\frac{1}{2}$	1.42	.68 $\frac{1}{2}$
1894.....	1.54 $\frac{1}{2}$	1.38		1.46 $\frac{1}{2}$	1.38	.60 $\frac{1}{2}$
1895.....	1.54 $\frac{1}{2}$	1.38		1.46 $\frac{1}{2}$	1.38	.73 $\frac{1}{2}$
1896.....	1.54 $\frac{1}{2}$	1.46		1.50 $\frac{1}{2}$	1.38	.68 $\frac{1}{2}$

a The workmen were paid by the piece; it was impossible to ascertain the daily earnings.

TABLE II.—AVERAGE DAILY WAGES IN CERTAIN CITIES OF GREAT BRITAIN, FRANCE, AND BELGIUM, 1870 TO 1896—Continued.

MACHINISTS' HELPERS.

Year.	Great Britain.				Paris, France.	Liège, Belgium.
	London.	Man- chester.	Glasgow.	Average.		
1870.....					\$0.78	\$0.48½
1871.....					.78	.48½
1872.....					.78	.48½
1873.....					.78	.54½
1874.....					.78½	.57
1875.....					.78½	.51½
1876.....					.78½	.53
1877.....					.78½	.53
1878.....					.79½	.48½
1879.....					.79½	.48½
1880.....					.88½	.50½
1881.....					.88½	.52½
1882.....					.88½	.53
1883.....					.88½	.53
1884.....					.86½	.51
1885.....					.88½	.48½
1886.....					.88½	.50
1887.....					.88½	.49½
1888.....					.88½	.48½
1889.....					.90½	.49
1890.....					.99	.47½
1891.....					.90	.53
1892.....					.98½	.49½
1893.....					.97	.5½
1894.....					.97½	.50
1895.....					.98½	.51½
1896.....					.98½	.51½

MASONS, STONE.

Year.	Great Britain.				Paris, France.	Liège, Belgium.
	London.	Man- chester.	Glasgow.	Average.		
1870.....	\$1.53			\$1.53	1.01½	
1871.....	1.53			1.53	1.01½	
1872.....	1.51			1.51	1.01½	
1873.....	1.59½			1.59½	1.06½	
1874.....	1.59½			1.59½	1.06½	.79½
1875.....	1.59½			1.59½	1.06½	.63½
1876.....	1.59½			1.59½	1.06½	.63½
1877.....	1.59½			1.59½	1.25½	.61½
1878.....	1.59½			1.59½	1.25½	.59½
1879.....	1.59½			1.59½	1.25½	.59½
1880.....	1.59½			1.59½	1.44½	.71
1881.....	1.59½			1.59½	1.44½	.71½
1882.....	1.59½			1.59½	1.54½	.73½
1883.....	1.59½			1.59½	1.54½	.73½
1884.....	1.59½			1.58½	1.54½	.71½
1885.....	1.58½			1.58½	1.54½	.73½
1886.....	1.58½			1.58½	1.54½	.73½
1887.....	1.58½			1.58½	1.54½	.73½
1888.....	1.58½			1.58½	1.54½	.73½
1889.....	1.58½			1.58½	1.54½	.73½
1890.....	1.59½			1.59½	1.54½	.73½
1891.....	1.59½			1.59½	1.54½	.73½
1892.....	1.52			1.52	1.54½	.73
1893.....	1.60½			1.60½	1.54½	.73½
1894.....	1.60½			1.60½	1.54½	.73
1895.....	1.60½			1.60½	1.54½	.73
1896.....	1.68½			1.68½	1.54½	.71

TABLE II.—AVERAGE DAILY WAGES IN CERTAIN CITIES OF GREAT BRITAIN, FRANCE, AND BELGIUM, 1870 TO 1896—Continued.

PAINTERS, HOUSE.

Year.	Great Britain.				Paris, France.	Liege, Belgium.
	London.	Manchester.	Glasgow.	Average.		
1870.....	\$1.43½	\$1.29½	\$1.19	\$1.30½	\$1.06½	\$0.55
1871.....	1.43½	1.29½	1.19	1.30½	1.06½	.56
1872.....	1.51	1.29½	1.23½	1.34½	1.06½	.56½
1873.....	1.51	1.29½	1.28½	1.36½	1.15½	.56
1874.....	1.51	1.29½	1.33	1.37½	1.15½	.56½
1875.....	1.51	1.29½	1.42½	1.41	1.15½	.56½
1876.....	1.51	1.29½	1.42½	1.41	1.15½	.56½
1877.....	1.51	1.29½	1.51½	1.44	1.25½	.57½
1878.....	1.51	1.29½	1.51½	1.44	1.25½	.58½
1879.....	1.51	1.29½	1.33	1.37½	1.25½	.58½
1880.....	1.51	1.29½	1.23½	1.34½	1.25½	.62
1881.....	1.51	1.29½	1.33	1.37½	1.25½	.62
1882.....	1.51	1.29½	1.33	1.37½	1.35	.62½
1883.....	1.51	1.29½	1.33	1.37½	1.35	.62½
1884.....	1.51	1.29½	1.33	1.37½	1.35	.64½
1885.....	1.51	1.29½	1.33	1.37½	1.35	.65½
1886.....	1.51	1.29½	1.33	1.37½	1.35	.66
1887.....	1.51	1.29½	1.33	1.37½	1.35	.64½
1888.....	1.51	1.29½	1.33	1.37½	1.35	.66
1889.....	1.51	1.29½	1.33	1.37½	1.35	.65½
1890.....	1.51	1.29½	1.33	1.37½	1.35	.66½
1891.....	1.51	1.43	1.29½	1.41½	1.36	.66½
1892.....	1.48	1.36½	1.29½	1.38	1.35	.66½
1893.....	1.48	1.36½	1.38½	1.41	1.35	.66½
1894.....	1.48	1.36½	1.38½	1.41	1.35	.66½
1895.....	1.48	1.36½	1.38½	1.41	1.35	.66½
1896.....	1.48	1.40½	1.38½	1.42½	1.35	.64

PATTERN MAKERS, IRON WORKS.

1870.....	1.46	1.46	1.21½	.69½
1871.....	1.46	1.46	1.22	.69½
1872.....	1.46	1.46	1.19½	.67½
1873.....	1.46	1.46	1.22½	.73½
1874.....	1.46	1.46	1.22½	.81½
1875.....	1.46	1.46	1.32½	.73
1876.....	1.46	1.46	1.32½	.77½
1877.....	1.46	1.46	1.33	.73½
1878.....	1.46	1.46	1.32½	.70
1879.....	1.46	1.46	1.32	.74
1880.....	1.46	1.46	1.32½	.76½
1881.....	1.46	1.46	1.32½	.64½
1882.....	1.46	1.46	1.33½	.76½
1883.....	1.46	1.46	1.32½	.83
1884.....	1.46	1.46	1.32	.82
1885.....	1.53½	1.53½	1.32	.74½
1886.....	1.46	1.46	1.31½	.78½
1887.....	1.48	1.48	1.32	.72½
1888.....	1.52	1.52	1.32½	.76½
1889.....	1.54½	1.54½	1.31½	.72½
1890.....	1.54½	1.54½	1.31½	.77½
1891.....	1.54½	1.54½	1.31	.85
1892.....	1.54½	1.54½	1.31½	.73½
1893.....	1.54½	1.54½	1.33	.75
1894.....	1.54½	1.54½	1.33	.78½
1895.....	1.54½	1.54½	1.33½	.76
1896.....	1.58½	1.58½	1.33½	.77½

TABLE II.—AVERAGE DAILY WAGES IN CERTAIN CITIES OF GREAT BRITAIN, FRANCE, AND BELGIUM, 1870 TO 1896—Continued.

PLUMBERS.

Year.	Great Britain.				Paris, France.	Liege, Belgium.
	London.	Man- chester.	Glasgow.	Average.		
1870.....	\$1.43			\$1.43	\$1.343	
1871.....	1.43			1.43	1.343	
1872.....	1.43			1.43	1.343	
1873.....	1.43			1.43	1.343	
1874.....	1.43			1.43	1.343	
1875.....	1.43			1.43	1.343	
1876.....	1.43			1.43	1.401	
1877.....	1.43			1.43	1.401	
1878.....	1.503			1.503	1.401	
1879.....	1.503			1.503	1.391	
1880.....	1.503			1.503	1.391	\$0.73
1881.....	1.503			1.503	1.391	.743
1882.....	1.503			1.503	1.391	.751
1883.....	1.603			1.503	1.391	.751
1884.....	1.503			1.503	1.391	.761
1885.....	1.503			1.503	1.391	.76
1886.....	1.503			1.503	1.391	.731
1887.....	1.503			1.503	1.401	.731
1888.....	1.503			1.503	1.19	.711
1889.....	1.503			1.503	1.191	.721
1890.....	1.503			1.503	1.291	.731
1891.....	1.503			1.503	1.391	.73
1892.....	1.603			1.603	1.391	.731
1893.....	1.603			1.603	1.391	.731
1894.....	1.603			1.603	1.391	.731
1895.....	1.603			1.603	1.391	.731
1896.....	1.743			1.743	1.43	.73

STONECUTTERS.

1870.....					.873	(a)
1871.....					.873	.58
1872.....					.901	.63
1873.....					.901	.673
1874.....					.901	.673
1875.....					1.221	.731
1876.....					1.221	.731
1877.....					1.221	.731
1878.....					1.221	.731
1879.....					1.221	.731
1880.....					1.221	.731
1881.....					1.231	.731
1882.....					1.231	.731
1883.....					1.24	.711
1884.....					1.24	.69
1885.....					1.24	.673
1886.....					1.231	.673
1887.....					1.231	.673
1888.....					1.231	.73
1889.....					1.231	.773
1890.....					1.50	.761
1891.....					1.50	.741
1892.....					1.503	.711
1893.....					1.503	.71
1894.....					1.503	.721
1895.....					1.50	.731
1896.....					1.50	.731

a Not reported.

TABLE II.—AVERAGE DAILY WAGES IN CERTAIN CITIES OF GREAT BRITAIN, FRANCE, AND BELGIUM, 1870 TO 1896—Concluded.**TEAMSTERS.**

Year.	Great Britain.				Paris, France.	Liege, Belgium.
	London.	Man- chester.	Glasgow.	Average.		
1870.....					\$1.18½	\$0.55½
1871.....					1.18½	.55½
1872.....					1.18½	.55½
1873.....					1.18½	.55½
1874.....					1.18½	.55½
1875.....					1.20	.55½
1876.....					1.20	.55½
1877.....					1.20	.55½
1878.....					1.21	.55½
1879.....					1.21	.55½
1880.....					1.21	.55½
1881.....					1.21	.55½
1882.....					1.21	.55½
1883.....					1.21	.55½
1884.....					1.21	.55½
1885.....					1.21	.55½
1886.....					1.21	.55½
1887.....					1.21	.55½
1888.....					1.21	.55½
1889.....					1.26½	.55½
1890.....					1.26½	.55½
1891.....					1.26½	.55½
1892.....					1.26½	.55½
1893.....					1.26½	.55½
1894.....					1.26½	.59½
1895.....					1.26½	.59½
1896.....					1.26½	.59½

RECENT REPORTS OF STATE BUREAUS OF LABOR STATISTICS.

MASSACHUSETTS.

Twenty-eighth Annual Report of the Massachusetts Bureau of Statistics of Labor. March, 1898. Horace G. Wadlin, Chief. xiv, 367 pp.

This report consists of three parts, as follows: Part I, comparative wages and prices, 42 pages; Part II, graded weekly wages, 268 pages; Part III, labor chronology, 1897, 57 pages.

PART I, COMPARATIVE WAGES AND PRICES.—The statistics contained in this part of the report were collected from original sources by agents of the Massachusetts Bureau of Statistics of Labor. A comparison is made of the data for the years 1860, 1872, 1878, 1881, and 1897. The figures for all but the last-named year were taken from previous reports of the bureau. The statistics of this part relate only to Massachusetts. Three items are considered in this report, namely, average weekly wages, average retail prices, and the purchasing power of money.

The average figures for 1897, like those for previous years, were collected directly from different establishments in the specified industries by the agents of the bureau, who, for that purpose, visited at the close of the year the industrial centers of the Commonwealth, and, by the cooperation of the proprietors, obtained the information.

The retail prices were obtained, in the different towns and cities which were visited, at establishments patronized by working people, together with information as to rents and prices for board such as are paid by wage workers.

The report shows the average weekly wages, and the increase or decrease in 1897 over 1872 and 1881, in a large number of occupations in 22 leading industries. These are then summarized by industries.

In general, wages in 1897 were higher than in 1881 and lower than in 1872.

In 1897, as compared with 1881, there was an increase in wage rates in 15 of the classified industries and a decrease in 8. The following industries showed an increase of wage rates, the percentage of increase being given in each case: Agriculture, as relates to laborers paid by the month, with board, 2.78 per cent; boots and shoes, 7.59 per cent; building trades, 43.91 per cent; cabinetmaking, 13.12 per cent; carpetings, 39.06 per cent; carriages, 0.60 per cent; cotton goods, 1.58 per cent; glass, 12.64 per cent; metals and metallic goods (fine work), 15.09 per cent; musical instruments, 14.23 per cent; printing, 31.04 per cent; rubber goods, elastic fabrics, 31.75 per cent; stone, 4.68 per cent; straw goods, 15.31 per cent, and woolen goods, 4.93 per cent. A decline in wages was shown in the following industries: Agriculture, as paid by the day, without board, 8.76 per cent; black-

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smiths,(a) 2.32 per cent; clothing (ready-made), 17.34 per cent; hosiery, 12.23 per cent; leather, 4.62 per cent; machines and machinery, 34.47 per cent; metals and metallic goods (not fine work), 29.14 per cent, and paper, 1.69 per cent.

Comparisons of wage rates for 1897 and 1872 could be made in only 11 of the 23 industries represented. Of these, 7 showed a decline and 4 an increase of wage rates. Those showing an increase were: Building trades, 1.09 per cent; carpetings, 68.92 per cent; metals and metallic goods (not fine work), 56.93 per cent, and paper, 26.32 per cent. Those showing a decline in wages were: Agriculture, as relates to laborers paid by the month, with board, 19.88 per cent; blacksmiths, 2.68 per cent; boots and shoes, 6.37 per cent; cabinetmaking, 8.37 per cent; carriages, 21.95 per cent; clothing (ready-made), 7.21 per cent, and machines and machinery, 21.97 per cent. The wages paid in the blacksmithing, ready-made clothing, and machines and machinery industries show a decline in 1897 when compared with the rates both for 1872 and 1881, while in the building trades and carpetings industries an increase is shown in each of the two comparisons.

The summary by industries is shown in the following presentation:

AVERAGE WEEKLY WAGES, BY INDUSTRIES, 1872-1897.

Industries.	Average weekly wages, gold standard.			Increase (+) or decrease (—) in 1897 as compared with 1872.		Increase (+) or decrease (—) in 1897 as compared with 1881.	
	1872.	1881.	1897.	Amount.	Per cent.	Amount.	Per cent.
Agriculture:							
Laborers, per month, with board.....	\$23.09	\$13.00	\$18.50	—\$4.59	—19.88	+\$0.50	+ 2.78
Laborers, per day, without board.....		1.37	1.25			— .12	— 8.76
Blacksmiths	16.44	16.38	16.00	— .44	— 2.68	— .38	— 2.32
Boots and shoes	12.71	11.06	11.90	— .81	— 6.37	+ .84	+ 7.59
Building trades	15.06	11.00	15.81	+ 1.17	+ 1.09	+ 4.83	+43.91
Cabinetmaking	14.21	11.51	13.02	— 1.19	— 8.37	+ 1.51	+13.12
Carpetings	4.89	5.94	8.26	+ 3.37	+68.92	+ 2.32	+39.06
Carriages	17.31	13.43	13.51	— 3.80	—21.95	+ .08	+ .60
Clothing (ready-made)	9.71	10.90	9.01	— .70	— 7.21	— 1.89	—17.31
Cotton goods		7.59	7.71			+ .12	+ 1.58
Glass		10.68	12.03			+ 1.35	+12.64
Hosiery		10.22	8.97			— 1.25	—12.22
Leather		11.06	10.54			— .51	— 4.62
Machines and machinery	13.84	16.42	10.80	— 3.04	—21.97	— 5.68	—34.47
Metals and metallic goods	6.06	13.42	9.51	+ 3.45	+56.93	— 3.91	—29.14
Metals and metallic goods (fine work)		10.07	11.59			+ 1.52	+15.09
Musical instruments		15.81	18.06			+ 2.25	+14.23
Paper	7.37	9.47	9.31	+ 1.94	+26.32	— .16	— 1.69
Printing		14.95	19.50			+ 4.54	+31.04
Rubber goods, elastic fabrics		7.56	9.96			+ 2.40	+31.75
Stone		13.25	13.87			+ .62	+ 4.68
Straw goods		10.06	11.00			+ 1.24	+15.31
Woolen goods		8.12	8.52			+ .40	+ 4.93

In order to determine whether real wages have gone prices of commodities and the purchasing power of money taken into account. The table following shows for the years 1878, 1881, and 1897 the average retail prices of commodities.

* Independently classified outside the industry "Metals and metallic goods."

AVERAGE RETAIL PRICES, 1890-1897.

Articles.	Unit.	Average retail prices, gold standard.					Increase (+) or decrease (-) in 1897 as compared with 1872.		Increase (+) or decrease (-) in 1897 as compared with 1881.		
		1860.	1872.	1878.	1881.	1897.	Amount.	Per ct.	Amount.	Per ct.	
GROCERIES.											
Flour, wheat, superfine...	bbl.	\$7.61	\$10.75	\$8.63	\$9.91	\$6.62	-\$4.12	-38.37	-\$3.29	-33.18	
Flour, wheat, family	bbl.	7.14	12.75	7.96	8.57	5.80	-6.95	-54.51	-2.77	-32.32	
Flour, rye	lb.	.03	.03	.03	.04	.03	-.00	-2.56	.01	-29.63	
Corn meal	lb.	.02	.01	.02	.03	.03	+.01	+71.43	.00	-4.00	
Codfish, dry	lb.	.05	.08	.06	.07	.07	-.01	-12.12	.00	-2.67	
Rice	lb.	.07	.11	.09	.09	.07	-.03	-30.16	.01	-19.41	
Beans	qt.	.08	.09	.08	.12	.07	-.02	-26.32	.00	-47.17	
Tea, oolong	lb.	.54	.69	.60	.58	.46	-.22	-32.75	.11	-20.00	
Coffee, Rio, green	lb.	.21	.34	.23	.18	.31	-.09	-8.91	+	+68.65	
Coffee, roasted	lb.	.23	.42	.26	.28	.28	.14	-34.12	.00	-2.61	
Sugar, good brown	lb.	.08	.10	.08	.09	.04	.05	-53.66	.04	-47.64	
Sugar, coffee	lb.	.09	.10	.09	.10	.04	.05	-55.56	.05	-53.33	
Sugar, granulated	lb.	.10	.12	.10	.11	.05	.06	-52.08	.05	-47.73	
Molasses, New Orleans	gal.	.50	.70	.57	.66	.50	.20	-28.57	.16	-24.81	
Molasses, Porto Rico	gal.	.57	.76	.68	.62	.49	.26	-35.08	.12	-20.32	
Syrup	gal.	.63	.75	.86	.76	.52	.22	-23.52	.23	-31.13	
Soap, common	lb.	.08	.08	.08	.06	.04	.03	-46.88	.02	-37.04	
Starch	lb.	.11	.12	.09	.09	.07	.03	-41.22	.02	-22.16	
PROVISIONS.											
Beef, roasting	lb.	.11	.19	.14	.17	.14	-.04	-22.81	-.02	-13.73	
Beef, soup	lb.	.04	.07	.05	.05	.05	.01	-25.33	+	+1.82	
Beef, rump steak	lb.	.14	.29	.20	.20	.25	.03	-12.99	.05	+26.75	
Beef, corned	lb.	.06	.10	.08	.10	.09	.01	10.20	.00	-8.01	
Veal, fore quarter	lb.	.07	.10	.10	.11	.08	.02	-23.81	.03	-31.91	
Veal, hind quarter	lb.	.11	.17	.15	.15	.12	.04	-24.84	.02	-18.87	
Veal, outlets	lb.	.14	.28	.20	.20	.21	-.06	-23.01	+	+8.75	
Mutton, fore quarter	lb.	.07	.10	.10	.11	.07	.03	-30.63	.04	-36.97	
Mutton, leg	lb.	.12	.19	.17	.16	.11	.07	-38.16	.04	-27.69	
Mutton, chops	lb.	.13	.15	.18	.18	.20	+	+31.15	.01	+9.89	
Pork, fresh	lb.	.11	.12	.10	.13	.10	.02	-20.00	.03	-23.08	
Pork, salted	lb.	.11	.11	.09	.12	.09	.01	-16.18	.04	-30.40	
Hams, smoked	lb.	.13	.13	.12	.15	.13	.00	-1.26	.01	-12.57	
Shoulders, corned	lb.	.08	.10	.09	.12	.09	.01	-12.20	.03	-25.00	
Sausages	lb.	.11	.12	.11	.13	.10	.01	-13.36	.02	-20.16	
Lard	lb.	.13	.14	.10	.14	.08	.06	-45.76	.06	-49.76	
Butter	lb.	.21	.39	.25	.34	.24	.14	-38.00	.16	-29.81	
Cheese	lb.	.12	.17	.12	.17	.14	.03	-20.00	.03	-20.00	
Potatoes	bush	.59	1.02	.97	1.27	1.01	.00	-6.65	.24	-19.42	
Milk	qt.	.04	.08	.05	.06	.05	.02	-29.17	.00	-5.56	
Eggs	doz.	.20	.30	.25	.32	.23	.06	-21.67	.09	-27.69	
FUEL.											
Coal	ton.	6.40	9.25	6.45	7.87	6.00	-3.25	-35.14	-1.83	-23.44	
Wood, hard	cord	6.49	10.12	6.74	8.96	8.41	-1.71	-16.92	-.55	-6.20	
Wood, pine	cord	4.42	7.00	5.04	7.09	6.97	.03	-.43	.12	-1.69	
DRY GOODS.											
Shirting, 4-4 brown	yd.	.09	.13	.07	.08	.08	-.04	-34.62	-.00	-2.86	
Shirting, 4-4 bleached	yd.	.10	.16	.09	.11	.08	-.07	-46.88	-.02	-22.73	
Shirting, 8-8 brown	yd.	.10	.14	.09	.10	.08	-.05	-39.29	-.02	-20.93	
Shirting, 8-8 bleached	yd.	.13	.19	.11	.13	.09	-.09	-50.00	.04	-29.09	
Cotton hannel	yd.	.15	.27	.14	.16	.10	.17	-63.64	.06	-37.50	
Tie	yd.	.17	.24	.17	.16	.11	.13	-54.17	.05	-34.33	
Prints	yd.	.11	.11	.07	.07	.05	-.06	-54.61	-.02	-31.18	
BOOTS.											
Men's, heavy	pair.	2.75	3.94	3.24	3.18	2.05	-1.88	-47.84	-1.13	-35.53	
RENTS.											
Four-room tenements	mo.	4.45	14.75	5.55	7.99	8.63	-6.11	-41.44	+.64	+8.10	
Six-room tenements	mo.	7.54	16.00	9.43	12.25	11.61	-4.39	-27.44	+.64	-5.22	
BOARD.											
Men	w'k.	2.79	5.62	4.19	4.75	4.62	-1.00	-17.79	-.13	-2.74	
Women	w'k.	1.79	3.75	2.63	3.00	3.66	-.09	-2.40	+.66	+22.00	

By giving to the price quotation for each article in the group the same mathematical effect upon the general average for the group that the expenditure for the article bore upon the total family expenditure, as determined by a large number of budgets of family expenses, it is found that the price of groceries declined 30 per cent in 1897 as compared with 1872, and 6.67 per cent as compared with 1881. Provisions show a decrease of 18.52 per cent in 1897 as compared with both 1872 and 1881.

With regard to groceries, all articles, except green Rio coffee, were cheaper in 1897 than in 1881. These include flour, corn meal, dry cod-fish, rice, beans, oolong tea, roasted coffee, sugar, molasses, sirup, common soap, and starch.

The prices of provisions were generally lower in 1897 than in 1881. Roast and corned beef, fore and hind quarters of veal, fore quarters and legs of mutton, fresh and salted pork, smoked hams, corned shoulders, sausages, lard, butter, cheese, potatoes, milk, and eggs were quoted lower, and rump steak, soup beef, veal cutlets, and mutton chops were quoted higher.

A comparison of the prices in 1872 with those in 1897 show lower quotations for the latter year for all articles of groceries and provisions except corn meal and mutton chops. In obtaining this data great care was taken to secure quotations for articles of uniform quality from establishments mainly patronized by working people.

Fuel, dry goods, and men's heavy boots were lower in price in 1897 than in either 1881 or 1872.

Under the head of rents, quotations for four-room and six-room tenements are given. The rates in both cases were lower in 1897 than in 1872. A comparison of rates in 1881 with those of 1897 shows that they were slightly lower in the case of six-room tenements and slightly higher in the case of four-room tenements.

The rates for board, for both men and women, were lower in 1897 than in 1872, and for men slightly lower than in 1881, while for women the rates were higher in 1897 than in 1881.

The exact significance of the change in prices of commodities can be seen in the table following, showing the quantity of each article purchasable for \$1 in each of the years included in the tables of wages and prices.

BULLETIN OF THE DEPARTMENT OF LABOR.										
PERMANENT NUMBER 25, JANUARY 1, 1890-1897.										
Article	Unit	Price per unit, in—					Increase (+) or decrease (-) in 1897 as compared with 1872.		Increase (+) or decrease (-) in 1897 as compared with 1881.	
		1872	1878	1881	1897	Num-ber.	Per-cent.	Num-ber.	Per-cent.	
GRAIN										
Flour, w/	bu.	25.64	18.18	22.72	19.76	30.30	-12.12	68.67	10.54	-54.34
Flour, w	bu.	27.77	15.38	25.00	22.87	34.48	-19.10	124.19	11.61	-59.77
Corn w	bu.	31.33	31.25	28.57	22.22	32.26	-1.01	3.23	10.04	-45.18
Corn	bu.	45.45	35.55	47.62	32.00	34.48	-21.07	37.93	2.48	-7.75
Barley	bu.	18.87	12.20	16.67	13.33	13.80	-1.69	13.85	5.56	-4.20
Oats	bu.	13.33	8.93	10.87	10.25	12.82	-3.89	43.56	2.57	-25.07
Wheat	bu.	12.06	10.52	12.05	7.54	14.29	-3.77	35.84	6.75	-89.52
Barley	bu.	1.83	1.45	1.66	1.72	2.16	-.71	48.97	.44	-25.58
Oats	bu.	4.67	2.92	4.22	5.40	3.21	-.29	9.93	-2.19	-40.56
Rye	bu.	4.26	2.35	3.77	3.47	3.57	1.22	51.91	.19	-2.88
Flour, whole	bu.	12.10	9.80	11.63	10.95	21.28	-11.48	117.14	10.33	-99.34
Flour, whole	bu.	10.99	9.52	10.61	10.00	21.74	-12.22	128.36	11.74	-117.49
Flour, whole	bu.	9.70	8.33	10.00	9.09	17.89	-9.33	114.41	8.77	-96.48
Sugar, good brown	gals.	1.97	1.43	1.74	1.50	2.00	-.57	39.86	.50	-38.33
Sugar, refined	gals.	1.73	1.31	1.45	1.69	2.02	-.71	54.20	.42	-26.25
Sugar, granulated	gals.	1.57	1.23	1.16	1.50	1.83	-.56	12.11	.50	-45.36
Molasses, Porto Rico	bu.	11.40	12.50	12.34	14.1	21.81	-11.31	99.48	9.00	-90.77
Syrup	bu.	9.18	8.19	10.64	10.81	11.08	-5.89	71.92	3.27	-90.25
Soap, common	bu.	9.18	8.19	10.64	10.81	11.08	-5.89	71.92	3.27	-90.25
Starch	bu.	9.18	8.19	10.64	10.81	11.08	-5.89	71.92	3.27	-90.25
PROVISIONS										
Beef, roasting	lbs.	9.18	5.20	6.94	5.48	6.85	-1.59	50.23	.97	-16.50
Beef, soup	lbs.	20.83	13.33	18.80	18.18	17.86	-4.53	31.58	.32	-1.76
Beef, rump steak	lbs.	6.85	8.39	4.85	4.93	3.89	-.50	14.75	-1.04	-21.10
Beef, corned	lbs.	13.38	9.52	12.34	9.75	10.61	-1.12	11.76	.89	-9.13
Beef, fore-quarter	lbs.	13.70	9.52	9.80	8.50	12.68	-3.14	32.98	4.16	-44.94
Veal, hind-quarter	lbs.	9.18	5.85	6.53	6.34	7.87	-2.02	31.53	1.53	-24.13
Veal, fore-quarter	lbs.	7.09	3.54	5.05	5.00	4.61	-1.07	30.21	.39	-7.80
Mutton, fore-quarter	lbs.	13.51	9.80	9.70	8.82	14.08	-4.28	43.67	5.26	-59.64
Mutton, leg	lbs.	8.07	5.20	5.78	5.97	8.55	-3.29	62.55	2.58	-43.22
Mutton, chops	lbs.	7.46	6.51	5.40	5.48	5.95	-1.16	22.43	.43	-7.85
Pork, fresh	lbs.	9.26	8.00	10.00	7.69	10.00	-2.00	25.00	2.31	-50.04
Pork, salted	lbs.	9.09	9.09	10.31	7.54	10.87	-1.78	19.58	3.33	-44.16
Hams, smoked	lbs.	7.75	7.41	8.07	6.55	7.52	-.11	1.48	.97	-14.81
Shoulders, corned	lbs.	11.49	9.80	10.75	8.33	11.24	-1.44	14.69	2.91	-34.93
Sausages	lbs.	8.77	8.00	8.84	7.47	9.26	-1.29	15.73	1.79	-23.96
Lard	lbs.	7.57	7.87	9.34	6.77	12.06	-4.79	60.86	5.89	-87.00
Butter	lbs.	4.58	2.57	3.97	2.88	4.13	-1.58	61.96	1.25	-43.40
Cheese	lbs.	7.52	5.71	8.13	5.71	7.19	-1.48	25.92	1.48	-25.92
Potatoes	bush	1.67	.97	1.03	.79	.99	-.02	2.06	.20	-25.32
Milk	qts.	21.27	12.50	15.86	16.66	17.86	-5.36	42.84	1.20	-7.20
Eggs	doz.	4.92	3.33	4.61	3.07	4.27	-.94	28.23	1.20	-39.09
FUEL										
Coal	lbs.	312.50	217.39	310.56	255.18	333.33	-115.04	53.33	78.15	-30.63
Wood, hard	c. ft.	1.23	.79	1.18	.89	.95	-.16	20.25	.08	-6.74
Wood, pine	c. ft.	1.90	1.14	1.58	1.12	1.15	-.01	.88	.03	-2.63
DRY GOODS										
Shirting, 4-4 brown	yds.	10.87	7.69	13.33	11.42	11.76	-4.07	52.93	.34	-2.98
Shirting, 4-4 bleached	yds.	9.26	6.25	10.64	9.09	11.76	-5.51	34.16	2.67	-29.37
Sheeting, 9-8 brown	yds.	9.34	7.11	11.11	9.30	11.76	-4.62	64.71	2.40	-50.45
Sheeting, 9-8 bleached	yds.	7.57	5.13	8.47	7.27	10.31	-5.13	100.07	3.04	-41.82
Cotton flannel	yds.	6.33	3.63	6.80	6.25	10.00	-6.37	175.48	3.75	-99.00
Ticking	yds.	5.81	4.17	5.78	5.97	6.09	-4.92	117.99	3.12	-52.26
Prints	yds.	9.09	8.55	12.98	12.90	18.87	-13.32	129.70	5.97	-46.22
RENTS										
Four room tenements	days	6.75	2.93	5.40	3.75	3.54	-1.50	73.89	.22	-5.87
Six room tenements	days	3.98	1.87	3.18	2.45	2.62	-.75	10.11	.17	-6.94
BOARD										
Men	days	2.51	1.24	1.67	1.47	1.52	-.28	22.58	.05	-3.40
Women	days	3.92	1.87	2.63	2.33	1.92	-.95	2.67	.41	-17.60

It is plain from what has been said as to the decline in prices that most of the commodities larger quantities were obtainable for \$1

in 1897 than in 1881 or 1872. Some of the percentages of increase are very large, whether the figures for 1881 or 1872 be taken as the base. For example, the quantity of superfine or family flour purchasable for \$1 shows an increase in 1897 as against 1881 of more than 50 per cent, and an even greater increase when compared with 1872. The increase in the quantity of granulated sugar purchasable for \$1 in 1897, as compared with 1881, amounts to 96.48 per cent, and as compared with 1872, to 114.41 per cent. The quantities of many articles of provisions, of coal, and of dry goods thus purchasable also show large percentages of increase.

PART II, GRADED WEEKLY WAGES.—This subject is treated so extensively that only a portion of the statistics appears in each annual report. The publication was begun in the twenty-sixth annual report of the bureau. The wage data are arranged alphabetically according to occupations, the present report relating to those having the initial letters H to O, inclusive.

PART III, LABOR CHRONOLOGY, 1897.—This part of the report comprises a summary of the leading events affecting labor during the year 1897, arranged in chronological order under each of the three heads, hours of labor, wages, and trade unions, respectively, and a résumé of labor legislation in 1898.

NEW YORK.

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PRODUCTIVE INDUSTRIES.—The greater part of the entire report is taken up with a tabulation showing by localities and occupations the highest, lowest, and average daily rates of wages, average weekly hours of labor, and number of establishments reporting, for five years ending June 1, 1895. This part of the report also contains tables and an analysis relating to yearly wages paid as of business done during the above-mentioned period by establishments reporting.

PURCHASING POWER OF MONEY, 1860-1897.

Articles.	Unit.	What \$1 would buy in—					Increase (+) or decrease (—) in 1897 as compared with 1872.		Increase (+) or decrease (—) in 1897 as compared with 1881.			
		1860.	1872.	1878.	1881.	1897.	Num-ber.	Per-cent.	Num-ber.	Per-cent.		
GROCERIES.												
Flour, wheat, superfine	lbs.	25.64	18.18	22.72	19.76	30.30	+	12.12	66.67	+	10.54	53.34
Flour, wheat, family	lbs.	27.77	15.38	25.00	22.87	34.48	+	19.10	124.19	+	11.61	50.77
Flour, rye	lbs.	33.33	31.25	28.57	22.22	32.26	+	1.01	3.23	+	10.04	45.18
Corn meal	lbs.	45.45	55.55	47.02	32.00	34.48	+	21.07	37.93	+	2.48	7.75
Codfish dry	lbs.	18.87	12.20	16.07	13.33	13.89	+	1.69	13.85	+	.56	4.90
Rice	lbs.	13.33	8.93	10.87	10.25	12.82	+	3.89	43.56	+	2.57	25.07
Beans	qts.	12.66	10.52	12.05	7.54	14.29	+	3.77	35.84	+	6.75	89.52
Tea, oolong	lbs.	1.83	1.45	1.68	1.72	2.16	+	.71	48.97	+	.44	25.58
Coffee, Rio, green	lbs.	4.67	2.92	4.22	5.40	3.21	+	.29	0.93	+	2.19	40.56
Coffee, roasted	lbs.	4.36	2.35	3.77	3.47	3.57	+	1.22	51.91	+	.10	2.88
Sugar good brown	lbs.	12.19	9.80	11.63	10.95	21.28	+	11.48	117.14	+	10.33	94.34
Sugar, coffee	lbs.	10.99	9.52	10.61	10.00	21.74	+	12.22	128.36	+	11.74	117.40
Sugar, granulated	lbs.	9.70	8.33	10.00	9.00	17.86	+	9.53	114.41	+	8.77	96.48
Molasses, New Orleans	galls.	1.97	1.43	1.74	1.50	2.00	+	.57	39.86	+	.50	31.33
Molasses Porto Rico	galls.	1.73	1.31	1.45	1.60	2.02	+	.71	54.20	+	.42	26.25
Sirup	galls.	1.57	1.33	1.16	1.30	1.89	+	.56	42.11	+	.50	45.38
Soap, common	lbs.	11.49	12.50	12.34	14.81	23.81	+	11.31	90.48	+	9.00	50.77
Starch	lbs.	9.18	8.19	10.64	10.81	14.08	+	5.89	71.92	+	3.27	30.25
PROVISIONS.												
Beef, roasting	lbs.	9.18	5.26	6.94	5.88	6.85	+	1.59	30.23	+	.97	16.50
Beef, soup	lbs.	20.83	13.33	18.86	18.18	17.86	+	4.33	33.98	+	.32	1.76
Beef, rump steak	lbs.	6.85	3.39	4.85	4.93	3.89	+	.50	14.75	+	1.04	21.10
Beef, corned	lbs.	13.38	9.52	12.34	9.75	10.61	+	1.12	11.76	+	.89	9.13
Veal, fore-quarter	lbs.	13.70	9.52	9.80	8.50	12.66	+	3.14	32.96	+	4.16	48.94
Veal, hind quarter	lbs.	9.18	5.85	6.53	6.34	7.87	+	2.02	34.53	+	1.53	24.13
Veal, cutlets	lbs.	7.09	3.54	5.05	5.00	4.61	+	1.07	30.23	+	.39	7.80
Mutton, fore quarter	lbs.	13.51	9.80	9.70	8.82	14.08	+	4.28	43.67	+	5.26	59.64
Mutton, leg	lbs.	8.07	5.26	5.78	5.97	8.55	+	3.29	62.56	+	2.58	43.22
Mutton, chops	lbs.	7.46	6.51	5.40	5.48	5.05	+	1.46	22.43	+	.43	7.85
Pork, fresh	lbs.	9.28	8.08	10.00	7.60	10.00	+	2.00	35.00	+	2.81	36.04
Pork, salted	lbs.	9.09	9.09	10.31	7.54	10.87	+	1.78	19.58	+	3.33	44.16
Hams, smoked	lbs.	7.75	7.41	8.07	6.55	7.52	+	.11	1.48	+	.97	14.81
Shoulders, corned	lbs.	11.49	9.80	10.75	8.33	11.24	+	1.44	14.60	+	2.91	34.53
Sausages	lbs.	8.77	8.00	8.84	7.47	9.26	+	1.26	15.75	+	1.79	23.98
Lard	lbs.	7.57	7.87	9.34	6.77	12.66	+	4.79	60.86	+	5.89	87.00
Butter	lbs.	4.58	2.55	3.97	2.88	4.13	+	1.58	61.96	+	1.25	43.40
Cheese	lbs.	7.52	5.71	8.13	5.71	7.19	+	1.48	25.92	+	1.48	25.92
Potatoes	bush	1.67	.97	1.03	.79	.99	+	.02	2.06	+	.20	25.53
Milk	qts.	21.27	12.50	18.86	16.66	17.86	+	5.36	42.83	+	1.20	7.20
Eggs	doz.	4.92	3.33	4.01	3.07	4.27	+	.94	28.23	+	1.20	39.09
FUEL.												
Coal	lbs.	312.50	217.39	310.56	255.18	333.33	+	115.94	53.33	+	78.15	30.63
Wood, hard	c. ft.	1.23	.70	1.18	.89	.95	+	.16	20.25	+	.06	6.74
Wood, pine	c. ft.	1.80	1.14	1.58	1.12	1.15	+	.01	.88	+	.63	2.68
DRY GOODS.												
Shirting, 4-4 brown	yds.	10.87	7.69	13.33	11.42	11.76	+	4.07	52.93	+	.34	2.98
Shirting, 4-4 bleached	yds.	9.26	6.25	10.64	9.09	11.76	+	5.51	88.10	+	2.67	29.37
Sheeting, 9-8 brown	yds.	9.34	7.14	11.11	9.30	11.76	+	4.62	64.71	+	2.46	26.45
Sheeting, 9-8 bleached	yds.	7.57	5.13	8.47	7.27	10.31	+	5.18	100.97	+	3.04	41.82
Cotton flannel	yds.	6.33	3.93	6.80	6.25	10.00	+	6.37	175.48	+	3.75	60.00
Ticking	yds.	5.81	4.17	5.78	5.97	9.00	+	4.92	117.99	+	3.12	52.26
Prints	yds.	9.09	8.35	12.98	12.90	18.87	+	10.32	120.70	+	5.97	46.22
RENTS.												
Four room tenements	days	6.75	2.03	5.40	3.75	3.53	+	1.50	73.89	+	.22	5.87
Six room tenements	days	3.98	1.87	3.18	2.45	2.62	+	.75	40.11	+	.17	6.94
BOARD.												
Men	days	2.51	1.24	1.67	1.47	1.52	+	.28	22.58	+	.05	3.40
Women	days	3.92	1.87	2.63	2.33	1.92	+	.05	2.67	+	.41	17.00

It is plain from what has been said as to the decline in prices that for most of the commodities larger quantities were obtainable for \$1

in 1897 than in 1881 or 1872. Some of the percentages of increase are very large, whether the figures for 1881 or 1872 be taken as the base. For example, the quantity of superfine or family flour purchasable for \$1 shows an increase in 1897 as against 1881 of more than 50 per cent, and an even greater increase when compared with 1872. The increase in the quantity of granulated sugar purchasable for \$1 in 1897, as compared with 1881, amounts to 96.48 per cent, and as compared with 1872, to 114.41 per cent. The quantities of many articles of provisions, of coal, and of dry goods thus purchasable also show large percentages of increase.

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The statistics relating to annual wages paid in the productive industries were compiled from schedules returned to the bureau by 2,290 manufacturing establishments, embracing 64 general industries. Every county in the State but one is represented in the tabulation.

The returns show that since 1892 there was a steady decline in the average yearly wages per employee. In 1891 the average yearly wages per employee were \$465.51; in 1892, \$466.18; in 1893, \$460.41; in 1894, \$439.97, and in 1895, \$436.23. The number of persons employed was 200,333 in 1891, 215,830 in 1892, 236,908 in 1893, 225,137 in 1894, and 253,139 in 1895. The following table shows for establishments reporting for five years, in 31 of the leading industries, the total cost of production, the amount and proportion paid for wages, the manufacturers' earnings, and the relation of the same to the total cost of production, for the five years ending June 1, 1895:

LABOR COST AND MANUFACTURERS' EARNINGS WITH REFERENCE TO COST OF PRODUCTION IN 31 LEADING INDUSTRIES FOR THE FIVE YEARS ENDING JUNE 1, 1895.

Industries.	Estab-lish-ments report-ing.	Total cost of production.	Wages paid.		Manufacturers' earn-ings.	
			Amount.	Per cent of total cost of production.	Amount.	Per cent of total cost of production.
Boots and shoes	49	\$42,902,508.28	\$12,621,645.61	29.37	\$3,269,784.61	7.61
Building	123	68,172,847.96	17,810,058.67	26.12	1,161,133.00	1.70
Carpets, oilcloths, etc.	11	50,251,165.52	12,070,851.06	24.02	6,316,659.37	12.57
Carriages, wagons, etc.	36	22,439,119.33	7,564,485.99	33.71	1,788,231.22	7.96
Chemicals, acids, etc.	14	23,331,136.60	3,522,326.91	15.09	2,399,094.59	10.28
Cigars, cigarettes, and tobacco	46	48,675,479.20	15,596,084.67	33.41	6,629,148.06	14.20
Clocks, watches, jewelry, etc.	10	20,848,083.75	4,934,063.63	23.66	2,391,110.59	11.46
Clothing	123	162,544,584.22	45,477,782.94	27.97	22,756,739.22	14.00
Cooking, heating, and sanitary apparatus	25	24,237,930.61	10,360,960.44	42.74	2,759,432.19	11.38
Cotton goods	22	36,337,850.73	10,967,985.36	30.18	2,392,048.76	6.58
Earthen and stone ware.	8	27,236,114.45	6,677,760.47	24.51	394,192.14	1.44
Food products	46	91,079,094.48	9,602,144.37	10.54	3,515,920.26	3.86
Furniture	74	36,290,236.88	12,000,342.33	33.06	3,400,203.33	9.36
Glass and glass goods	22	13,764,902.84	5,268,538.88	38.27	1,205,253.55	9.19
Gloves and mittens.	18	10,679,592.90	3,578,911.96	33.51	1,810,683.47	16.95
Knit goods	61	50,194,407.27	13,897,549.92	27.68	4,145,196.34	8.25
Leather and leather goods.	30	31,251,369.69	5,932,972.57	18.98	2,697,618.20	8.63
Liquors (malt and distilled) ...	27	37,785,236.54	4,712,211.63	12.47	5,167,010.26	13.67
Machines, machinery, etc.	76	58,618,944.35	23,601,458.71	40.26	7,875,132.78	13.43
Metals and metallic goods.	176	117,174,981.06	40,612,947.60	34.66	12,371,782.17	10.56
Musical instruments and materials	21	10,512,036.59	4,682,599.69	44.55	1,249,483.52	11.89
Oils and illuminating fluids.	12	85,523,374.05	4,755,557.96	5.56	3,791,081.75	4.43
Paints and colors	16	19,362,889.15	2,209,364.07	11.41	3,314,279.62	17.12
Paper and paper goods	69	61,868,795.46	11,150,417.63	18.01	6,656,218.67	10.76
Printing, publishing, book-binding, etc.	42	22,854,284.70	10,657,023.70	46.59	4,900,135.19	21.44
Railroad construction, repair-ing, etc.	16	44,087,213.25	14,894,745.17	33.78	1,262,472.10	2.86
Rubber goods	9	11,306,027.81	2,792,613.86	24.70	771,049.65	6.82
Silk goods	20	17,429,904.94	4,639,820.81	26.62	1,054,763.56	6.05
Soap, candles, and grease	12	44,547,439.72	3,245,304.48	7.28	4,378,420.30	9.83
Wooden goods	53	24,676,646.79	6,304,648.18	25.55	1,738,135.85	7.04
Woolen and worsted goods	17	25,226,176.15	6,490,915.28	25.73	1,254,835.76	4.97

ORGANIZED LABOR.—In 1896 returns were received from 962 out of 1,100 labor unions in the State. These consist of data relating to mem-

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bership, condition of the trade, hours of labor, etc. The following table shows the membership of labor organizations in 1894, 1895, and 1896:

NUMBER AND MEMBERSHIP OF LABOR ORGANIZATIONS, BY INDUSTRIES, 1894 TO 1896.

Industries.	1894.		1895.		1896.	
	Organi- zations report- ing.	Mem- bers.	Organi- zations report- ing.	Mem- bers.	Organi- zations report- ing.	Mem- bers.
Building trades.....	244	44,151	249	48,638	247	51,079
Cigars, cigarettes, and tobacco.....	53	8,722	54	9,089	54	9,799
Clothing.....	55	32,860	70	44,001	67	24,031
Coach drivers and livery stable employees.....	4	779	4	1,020	7	3,973
Food products.....	23	2,187	27	2,799	32	2,842
Furniture.....	8	1,176	8	1,259	6	917
Glass works.....	15	882	15	1,301	12	1,042
Hats, caps, and furs.....	15	2,961	16	3,682	14	2,287
Hotel, restaurant, and park employees.....	16	1,377	16	1,351	14	1,412
Iron and steel.....	87	7,464	93	8,522	103	9,868
Leather.....	14	1,920	17	2,305	13	2,119
Malt liquors and mineral waters.....	24	3,153	26	3,411	29	4,311
Marine trades.....	15	7,115	15	8,064	16	7,974
Metal workers.....	8	598	11	846	10	1,322
Musicians and musical instrument makers.....	22	5,644	22	5,956	22	5,353
Printing, binding, lithographing, photo-engrav- ing, electrotyping, stereotyping, and type- founding.....	52	11,059	58	11,998	56	13,650
Railroads (steam).....	112	8,503	116	8,958	128	9,365
Railroads (street surface).....	1	2,500	1	1,000	1	1,000
Stone.....	27	5,153	28	4,993	33	5,382
Street paving.....	10	797	10	812	11	758
Textile trades.....	10	1,678	13	1,983	11	1,746
Theatrical employees and actors.....	7	1,092	9	2,011	9	2,168
Woodwork.....	16	1,736	16	1,709	20	2,033
Miscellaneous trades.....	22	3,887	33	4,523	47	5,865
Total.....	860	157,197	927	180,231	962	170,296

In 1894 the total membership of 860 labor organizations was 157,197. In 1895, 927 organizations reporting had 180,231 members, an increase of 23,034. In 1896 there was a falling off in membership, 962 organizations reporting 170,296 members. Unions in 9 general industries report a total decrease in membership of 23,136 during the year 1896. This was greatest in the clothing industry, which lost 19,970 members. The others that show losses were: Furniture workers, 342; glass workers, 259; hat, cap, and fur workers, 1,395; leather workers, 186; marine trades, 90; musicians and musical instrument makers, 603; street-paving employees, 54, and textile trades, 237. Organizations in 13 industries report a total gain of 11,859 members for 1896, as follows: Building trades, 2,441; cigar, cigarette, and tobacco workers, 710; coach drivers and livery stable employees, 2,953; food products, 43; hotel, restaurant, and park employees, 61; iron and steel, 1,346; malt liquors and mineral waters, 900; metal workers, 476; printing, binding, etc., 1,652; steam railroads, 407; stone, 389; theatrical employees and actors, 157, and woodwork, 324. The gain in miscellaneous trades was 1,342.

PRICES OF COMMODITIES.—Detailed tables are given showing the retail prices of groceries and meats for each year from 1891 to 1895, inclusive, as obtained from retailers in various cities in the State.

GAS AND ELECTRIC LIGHTING.—Detailed tables are given for each of the years 1891 to 1895, inclusive, showing by counties for the gas and electric light and power companies the number of employees and wages, and for each company, by occupation and locality, the highest, lowest, and average daily wages, and average hours of labor per week.

The following table shows, for the electric light and power and gas companies reporting as doing business for five years, the volume of business done, the earnings, and the total wages paid, for the five years ending June 1, 1895:

BUSINESS TRANSACTED BY ELECTRIC LIGHT AND POWER AND GAS COMPANIES
FOR THE FIVE YEARS ENDING JUNE 1, 1895.

Items.	Electric light and power com- panies.	Gas companies.	Electric light and gas com- panies.
Number of companies reporting	8	21	6
Cost of stock or materials used, including all items of expense except wages	\$2,396,674.72	\$6,732,636.63	\$912,696.82
Total cost of production	\$4,138,077.12	\$9,130,304.39	\$933,501.60
Market value of manufactured materials	\$7,624,090.69	\$19,045,241.67	\$2,654,904.17
Total wages paid	\$1,741,402.40	\$2,396,607.76	\$325,865.08
Percentage of total cost of production	42.08	26.24	34.71
Earnings of companies	\$3,486,013.57	\$9,914,937.28	\$1,716,402.57
Percentage of total cost of production	84.24	108.59	182.98

In addition to the statistics given in the above table, the annual report also shows returns from companies for periods of less than five years.

UNORGANIZED WORKINGWOMEN.—This part of the report consists of a collection of personal statements made by working women and girls, with reference to the conditions of labor, wages, hours, treatment by employers, etc.

FREE EMPLOYMENT BUREAU.—This bureau was opened July 20, 1896. From that time until January 1, 1897, 8,040 applications for work were registered, of which 6,458 were from males and 1,582 from females. Of the male applicants, 1,758, and of the females, 233, had children depending upon them for support. Situations were secured for 218 males and 265 females.

WEST VIRGINIA.

Report of the Commissioner of Labor of the State of West Virginia, 1895-1896. John M. Sydenstricker, Commissioner. 125 pp.

This is the second biennial report of the commissioner of labor of West Virginia. The following subjects are treated of in the report: Coal statistics, 45 pages; coke statistics, 34 pages; oil statistics, 24 pages; strikes, 1 page; statistics of agriculture, 8 pages. The information relating to coal, coke, and oil, and the strike statistics, are reproductions of data published in the reports of the Director of the United States Geological Survey and of the Commissioner of the United States Department of Labor.

WISCONSIN.

Seventh Biennial Report of the Bureau of Labor, Census, and Industrial Statistics. State of Wisconsin, 1895-1896. Halford Erickson, Commissioner. viii, 540 pp.

This report treats of the following subjects: Farmers' returns, 175 pages; mechanics' and workingmen's returns, 160 pages; wages and time in operation, 35 pages; factory inspection, 21 pages; manufacturers' returns, 110 pages; building and loan associations, 35 pages.

FARMERS' RETURNS.—In response to inquiries addressed to farmers throughout the State, 549 returns were received. This is scarcely 10 per cent of the number solicited. The schedule of inquiries contained over 40 items, covering the social and industrial condition of farmers in the State. The following is a résumé of some of the answers returned by the farmers:

Native born	354
Foreign born	176
Not reporting place of birth	19
Married	517
Single	32
Average number of persons in 500 families	5.6
Average months per year of school attendance of children	7.5
Average number of years engaged in farming	25.6
Average number of acres per farm (546 farms)	209.3
Average number of acres per farm under cultivation (544 farms)	134.5
Average value of land and improvements per acre (532 farms)	\$47.98
Number of farm hands employed in summer (409 farms)	678
Average monthly wages in summer	a \$17.20
Number of farm hands employed in winter (270 farms)	346
Average monthly wages in winter	a \$12.30
Members of farmers' associations	19
Not members of farmers' associations	514
Not reporting as to membership of farmers' associations	16
Members of beneficiary associations	111
Not members of beneficiary associations	412
Not reporting as to membership of beneficiary associations	26
Carry life insurance	163
Do not carry life insurance	364
Not reporting as to life insurance	22

The number of answers returned varies in the different items, because not all the schedules returned were complete. According to the returns received there seems to be an improvement in the condition of farmers. Of 518 farmers reporting, 431 say that they have saved money during the past five years. Among unmarried laborers there seems to be a prevailing tendency to go to the cities rather than to remain and acquire the ownership of farms, 240 out of 320 farmers reporting to that effect. Domestic help is reported by 395 out of 457 farmers to be scarce. The reasons assigned are that girls prefer other employment and they prefer

a In over 90 per cent of cases this includes board and washing.

to work in cities. With regard to the cost of living, 64 farmers report an increase, 104 a decrease, and 230 no change during the past year.

Other chapters of farmers' returns relate to the production and prices of grain and other farm produce and to farm animals.

MECHANICS' AND WORKINGMEN'S RETURNS.—Over 15,000 schedules of inquiry, covering the social and industrial condition of workingmen, were sent out by the bureau. Only 1,488 returns were received that could be used for tabulation, and these were not all complete. The individual returns were tabulated by industries and the general results summarized. The following table gives a summary of some of the returns, arranged according to occupations:

STATISTICS OF MECHANICS AND WORKINGMEN, BY OCCUPATIONS, 1895.

Occupations.	Average age.	Average persons supported.	Average hours of labor.		Average months employed during year.	Average daily wages.	Per cent reporting part of wages withheld.	Per cent owning homes.	Average value of homes.	Per cent reporting homes mortgaged.	Per cent carrying life insurance.
			Summer.	Winter.							
Blacksmiths...	35.9	4.5	10.0	8.9	10.4	\$1.85	51.4	54.2	\$1,879	65.4	45.8
Boiler makers...	33.4	3.5	10.0	9.1	11.1	2.66	85.7	71.4	2,250	(a)	71.4
Bookbinders...	35.8	3.6	10.0	10.0	11.1	2.54	.....	50.0	4,833	65.7	40.0
Brewery workers...	35.5	4.5	10.0	9.4	10.2	2.16	16.7	35.2	2,420	83.3	48.4
Cabinetmakers...	33.6	4.1	10.0	8.1	9.6	1.58	74.0	43.6	1,458	78.5	27.6
Carpenters...	37.9	4.2	10.0	8.8	10.0	1.76	46.6	58.9	1,611	58.9	49.5
Cigar makers...	33.5	3.8	7.8	7.8	8.3	1.55	.....	21.6	2,212	62.6	51.3
Coopers...	37.2	3.9	9.6	9.0	8.6	1.49	7.3	22.5	2,488	66.6	20.0
Engineers...	35.	3.7	11.2	9.7	10.9	2.05	45.2	42.8	2,133	55.5	61.8
Factory operatives...	32.4	4.6	10.0	8.8	9.2	1.14	60.6	33.7	1,420	80.0	19.1
Firemen...	32.	4.6	11.9	9.6	10.5	1.68	100.0	25.0	1,566	100.0	25.0
Machine hands...	33.	4.2	10.1	8.0	9.8	1.50	62.5	44.2	1,539	81.4	36.0
Machine woodworkers...	32.	3.9	10.0	8.3	9.7	1.39	67.1	30.7	1,396	66.6	26.9
Machinists...	36.2	3.6	9.9	9.1	10.8	2.39	64.8	45.9	2,311	50.0	56.1
Masons and bricklayers...	34.7	4.9	9.1	8.3	6.3	2.71	92.3	52.9	2,055	33.3	47.0
Mat makers...	31.3	3.2	9.1	5.2	10.5	1.35	.....	16.6	2,750	33.3	(a)
Millwrights...	42.0	4.1	10.1	8.5	10.9	2.26	33.3	83.3	1,945	60.0	66.6
Molders, brass and iron...	32.0	5.0	10.0	9.0	9.0	2.16	55.3	33.3	1,294	58.8	45.4
Painters...	36.	4.0	10.0	9.0	10.0	1.74	80.0	35.1	1,309	63.1	23.3
Paper makers...	31	3.6	11.0	11.0	10.6	2.08	44.4	25.0	1,233	33.3	50.0
Plumbers and steam fitters...	26.	3.5	10.0	9.0	9.5	2.07	20.0	42.8	1,366	33.3	42.8
Printers...	35.	2.9	9.1	9.1	11.0	2.66	.....	43.7	1,878	14.2	35.2
Schemakers...	32.	3.4	10.0	8.4	8.9	1.65	27.2	30.5	2,527	27.7	39.5
Tailors...	33.	3.0	10.0	9.5	8.8	1.86	12.5	62.5	1,715	60.0	27.2
Tanners and curriers...	35.4	4.3	10.0	8.9	10.4	1.62	34.0	39.1	1,514	83.3	41.0
Teamsters...	35.1	4.8	10.0	9.5	11.2	1.63	30.0	36.4	950	50.0	30.7
Tinsmiths...	28.5	2.4	10.0	10.0	10.6	2.06	66.6	20.0	800	100.0	83.3
Tobaccoists...	29.7	4.5	8.0	8.0	10.2	1.87	.....	25.0	1,500	100.0	50.0
Unskilled labor...	36.9	4.8	10.7	8.1	8.9	1.21	56.1	39.4	920	68.6	16.0
Upholsterers...	36.0	4.6	10.0	8.2	11.5	2.06	.....	16.6	6,000	100.0	100.0
Wagon makers...	41.2	4.7	10.0	8.2	9.2	1.88	25.0	58.3	1,371	28.5	41.6
Miscellaneous...	32.7	4.1	10.0	9.0	10.7	2.87	33.5	50.7	2,530	59.4	68.5

a Not reported.

The number of persons considered in each case is not shown in this summary. As the schedules were not all complete, the number of persons probably varies with the different items returned. The average age of the workingmen for each occupation ranges from 26.8 to 42 years and the average number of persons supported varies from 2.4 to 5 for

the different occupations. The average time employed during the day was mostly from 9 to 10 hours in summer and from 8 to 9 hours in winter. The most steady employment was in the case of upholsterers, who worked 11.5 months during the year, and the least in the case of masons and bricklayers, who worked but 6.3 months. Factory employees were paid the lowest average daily wages, namely, \$1.14, and masons and bricklayers received the highest, \$2.71. A large proportion of the workingmen own their homes, most of which are mortgaged. The following table shows the principal items of 423 workingmen's budgets, arranged by occupations:

YEARLY INCOME AND EXPENDITURE PER FAMILY OF MECHANICS AND WORKINGMEN, BY OCCUPATIONS, 1895.

Occupations.	Families reporting.	Average persons to a family.	Average yearly income per family.	Average yearly expenditure per family.					
				Subsistence.	Clothing.	Fuel.	Rent.	Sundries.	Total.
Blacksmiths.....	17	4.5	\$476.82	\$223.41	\$72.82	\$29.40	\$85.81	\$81.31	\$492.75
Boiler makers.....	4	3.5	577.75	269.00	59.25	29.50	102.00	81.50	541.25
Brewery workers.....	16	4.4	629.56	266.12	79.91	36.25	100.86	131.50	614.64
Cabinetmakers.....	12	3.6	505.57	216.16	70.67	32.75	77.75	111.67	509.00
Carpenters.....	36	4.3	435.00	182.75	59.61	28.06	75.39	82.31	428.12
Cigar makers.....	14	4.0	451.06	238.14	64.92	30.50	88.74	82.28	504.58
Coopers.....	15	4.7	418.88	235.40	62.33	28.86	81.00	87.06	491.65
Engineers, stationary.....	16	3.7	755.05	285.00	96.60	37.56	106.37	132.81	658.43
Factory operatives.....	29	3.7	290.03	155.22	37.25	21.67	50.99	41.94	307.07
Firemen, stationary.....	6	5.2	463.49	202.00	67.50	40.50	73.00	74.83	457.83
Machine hands.....	14	3.4	456.79	182.79	68.57	25.05	80.28	50.41	407.10
Machine wood workers.....	25	4.3	390.07	190.80	59.33	23.74	72.56	48.24	394.67
Machinists.....	33	4.2	739.85	287.19	89.03	39.84	123.33	129.01	668.40
Masons and bricklayers.....	3	5.7	548.34	313.34	86.00	37.66	76.00	69.00	582.00
Mattress makers.....	2	3.0	336.00	200.00	45.00	22.00	48.00	21.00	336.00
Millwrights.....	2	6.0	685.00	240.00	107.50	37.50	102.00	73.00	560.00
Molders.....	28	4.8	570.09	253.44	78.13	30.59	84.78	70.66	517.60
Painters.....	25	4.0	430.01	208.44	70.22	28.08	71.52	50.94	429.20
Paper makers.....	5	4.0	765.00	348.00	72.00	54.00	108.00	69.00	651.00
Plumbers and steam fitters.....	2	3.5	505.09	247.00	117.50	27.50	120.00	72.00	584.00
Printers.....	6	3.6	721.66	275.00	86.66	40.00	108.00	142.16	651.82
Shoemakers.....	21	3.2	449.18	210.95	47.62	30.67	83.33	67.76	440.33
Tailors.....	3	3.0	616.00	166.66	48.00	45.66	84.00	52.34	396.66
Tanners and curriers.....	24	4.2	501.00	234.22	80.75	35.55	80.70	65.50	496.72
Teamsters.....	6	4.8	627.00	251.66	65.50	24.87	90.33	136.80	568.16
Tinsmiths.....	4	3.5	607.75	236.50	82.25	29.50	93.00	113.00	554.25
Tobaccoists.....	2	3.5	563.00	241.00	45.00	30.00	117.00	132.00	565.00
Unskilled laborers.....	44	4.9	352.32	176.59	48.11	27.02	64.03	46.66	362.41
Upholsterers.....	4	4.5	703.50	275.50	101.20	32.00	110.00	155.80	674.50
Wagon makers.....	5	4.4	505.20	199.00	68.00	45.00	98.40	80.80	497.20
All occupations.....	423	4.2	535.66	233.93	71.27	32.67	88.57	85.00	511.44

The average income during the year for a family of 4.2 persons was \$535.66. The average cost of supporting such a family in one year is shown to be: For subsistence, \$233.93; for clothing, \$71.27; for fuel, \$32.67; for rent, \$88.57; for sundries, \$85, or a total of \$511.44. The per cent of each item of the total expenditure was as follows: Subsistence, 46.17; clothing, 13.88; fuel, 6.48; rent, 17.37; sundries, 16.10.

WAGES AND TIME IN OPERATION.—In this chapter are shown the average wages of workingmen for the years 1888 to 1895, inclusive, arranged by years and occupations, and the wage scales for 61 industries in 1894 and 1895.

The following table shows, for 62 industries, the number of establishments reported each year in the State from 1888 to 1895, the number of men employed in the establishments, the wages paid, and the number of weeks of employment during the year:

ESTABLISHMENTS REPORTING, EMPLOYEES, WAGES PAID, AND AVERAGE WEEKS OF EMPLOYMENT, 1888 TO 1895.

Year.	Estab- lishments reporting.	Men employed.		Wages paid.			Average weeks of employ- ment.
		Total.	Average per estab- lishment.	Total.	Average per year.	Average per day.	
1888	1,135	71,218	62.7	\$28,416,694	\$399.01	\$1.44	46.4
1889	1,272	80,504	63.3	32,575,944	404.65	1.45	46.8
1890	1,364	80,880	59.3	33,125,213	409.56	1.43	48.0
1891	1,336	94,089	70.4	38,023,247	404.12	1.44	46.9
1892	1,331	90,936	68.3	38,295,878	421.13	1.46	48.0
1893	1,610	96,540	60.0	37,327,810	386.06	1.42	45.0
1894	1,460	83,642	57.3	31,409,244	375.52	1.38	45.4
1895	1,368	85,767	62.7	32,903,707	384.69	1.37	46.5

BUILDING AND LOAN ASSOCIATIONS.—Tables are presented showing the number of shareholders, shares in force, borrowers, amounts borrowed, assets, profits and losses, and other items concerning building and loan associations. Following is a summary of some of the more important data presented for the fiscal year 1895:

Number of associations reported:

Serial	26
Permanent	18
Terminating	5
Total	49
Number of shareholders	10,173
Number of shares in force at end of year	84,165
Amount loaned to members during the year	\$815,567
Withdrawals and matured shares paid during the year	\$634,312
Total loans to shareholders in force at end of year	\$3,174,977
Total assets at end of year	\$3,495,676

MANUFACTURERS' RETURNS.—Reports were received from 1,368 establishments, representing 47 industries. Most of the results of this investigation are published in percentages only in order to avoid the identification of the establishments. The tables presented in the report show for each industry, and for all industries collectively, the proportion which each item bears to the whole with respect to the cost of production, selling price, capital and product, capital invested, partners or stockholders and wage earners, and gross profits, respectively. They also show absolute figures giving the average investment and net earnings of each partner or stockholder, and the average product and average earnings of each worker.

The following table shows the proportionate cost of materials and supplies, labor, and other factors of the total cost of production for each industry and for all industries combined:

PERCENTAGE OF COST OF MATERIALS AND SUPPLIES, LABOR, AND OTHER FACTORS OF TOTAL COST OF PRODUCTION, BY INDUSTRIES.

Industries.	Percentage of total cost.			Industries.	Percentage of total cost.		
	Materials and supplies.	Labor.	Other factors.		Materials and supplies.	Labor.	Other factors.
Agricultural implements and machinery.	60.18	26.00	13.82	Mattresses and bedding	70.64	20.73	8.63
Beer and malt.	59.90	13.44	26.66	Paints, oils, and grease.	82.18	8.25	9.57
Boiler works.	54.78	33.79	11.43	Paper and pulp.	61.21	22.22	16.57
Boots and shoes.	65.64	22.73	11.63	Refrigerators.	43.18	38.30	18.52
Boxes, packing.	63.25	24.30	12.45	Saddlery, harness, etc.	62.18	23.66	14.16
Boxes, paper and cigar.	66.91	23.05	10.04	Sash, doors, and blinds.	65.77	24.34	9.89
Brass goods.	52.64	33.64	13.72	Sewer pipe and cement.	53.65	22.70	23.65
Brick and drain tile.	37.85	44.33	17.82	Shipbuilding.	44.05	46.49	9.46
Chairs and chair stock.	52.23	37.17	10.60	Soap, lye, and potash.	65.29	24.73	9.98
Cigars.	58.46	30.33	11.21	Staves and headings.	56.55	30.96	12.49
Cloaks and clothing.	66.40	22.36	11.24	Stone, marble, granite, etc.	42.71	38.47	18.82
Confectioneries and steam bakeries.	68.49	15.55	15.96	Stoves, ranges, and furnaces.	59.54	30.34	10.12
Cooperage.	63.57	30.54	5.89	Tanners and curriers.	78.26	14.51	7.23
Cotton and linen mills.	59.27	30.39	10.34	Tinware and sheet-iron goods.	56.41	33.83	9.76
Electrical and gas-fitting supplies.	61.33	22.28	13.39	Tobacco.	78.21	14.78	7.01
Excelsior.	57.83	26.26	15.91	Trunks, valises, etc.	60.43	27.77	11.80
Flour and feed.	92.78	3.13	4.09	Veneer.	50.99	34.90	14.11
Furniture.	59.14	29.91	10.95	Vinegar.	65.13	21.85	13.02
Furs, gloves, and mittens.	71.55	20.57	7.88	Wagons, carriages, and sleighs.	59.69	28.02	12.29
Hardware specialties.	59.44	31.01	9.55	Willow ware and toys.	50.04	31.75	9.21
Iron works, malleable.	48.62	30.29	12.09	Wooden ware.	64.53	27.08	8.37
Knit goods.	65.78	22.83	11.39	Woodwork.	49.57	40.50	9.93
Lumber, laths, and shingles.	60.57	24.41	15.02	Woolen and worsted mills.	62.97	22.68	14.35
Machine shops and foundries.	55.86	33.62	10.52	All industries.	61.80	26.01	12.19

RECENT FOREIGN STATISTICAL PUBLICATIONS.

BELGIUM.

Bulletin de la Commission Centrale de Statistique. Volume XVII. Années 1890 à 1896. Ministère de l'Intérieur et de l'Instruction Publique, Administration de la Statistique Générale. 1897. xxxiii, 1186 pp.

A considerable part of this work is taken up with the membership of the central and provincial statistical commissions and the proceedings of the central commission. In the line of statistical studies are two articles concerning population, with special reference to movements of the population and to medical and mortality statistics. These need not here be discussed. An article of more particular interest for present purposes is "Workingmen's wages and budgets in 1853 and 1891," by Edm. Nicolai, to which 19 pages are given in this work. A brief summary of this article follows.

Several years ago an inquiry on workingmen's wages and cost of living was made under the auspices of the ministry of agriculture, industry, and public works. The work of obtaining the desired information was assigned to the councils of industry and labor. Besides facts regarding average daily wages, information was also called for concerning the composition of the workingman's family, age of each member, number of children, etc.; the general resources of each family; expenditures for food and quantity consumed; other material expenditures, especially such as relate to habitation, clothing, fuel, etc.; retail prices of food commodities; expenditures for religious, moral, and intellectual purposes, and expenditures for luxuries. In order to facilitate the work the inquiry was made to cover but one month, April, 1891. The results in detail were published in 1892. The object of the present study was to recapitulate the detailed information and to summarize the official data.

The inquiry covered 188 workingmen's families, including 800 children. The average number of children per family is thus 4.25, making with the father and mother an average family of 6.25 persons. The census of 1890 shows that for the population in general there were 456 persons per 100 families.

The families covered by this investigation were represented, with regard to the number of children, as follows: One child, 1 family; 2 children, 6 families; 3 children, 19 families; 4 children, 118 families; 5 children, 22 families; 6 children, 13 families; 7 children, 4 families; 8 children, 4 families; 10 children, 1 family.

The fathers of families considered had an average age of 42 years. The average age of mothers was 40 years. The averages of all married males and females, according to the population census of 1890, were 44 and 42 years, respectively. The average age of children earning wages was 16 years for both boys and girls. The average age of other children was 8 years and 4 months.

Of the wage-earning children 187 were males and 45 females. There were thus 568 children, or 71 per cent of the entire number, not at work. With regard to the mothers, there were only 16, or 8.5 per cent, who, independently of their duties as housewives, had occupations as wage-earners.

The resources of the families, which represent the fruits of labor during the month of April, 1891, amounted to 26,965 francs (\$5,204.25) for 178 families. The contributions of the fathers, mothers, and children to this wage product were as follows: Fathers' earnings, 18,795 francs (\$3,627.44), or 69.70 per cent; mothers' earnings, 327 francs (\$63.11), or 1.21 per cent; male children's earnings, 6,919 francs (\$1,335.37), or 25.66 per cent; female children's earnings, 924 francs (\$178.33), or 3.43 per cent.

The earnings for the month per family were, on an average, 151.49 francs (\$29.24), to which may be added 2.12 francs (\$0.41) received by the head of the family for extra work and in the form of subsidies from employers.

With regard to the daily wages, the statistics examined furnish the following: Average daily wages of fathers, 4.10 francs (\$0.79); mothers, 1.15 francs (\$0.22); boys, 1.45 francs (\$0.28); girls, 0.82 francs (\$0.16).

The industrial census taken in 1880 furnishes the following information regarding average wages in the principal industries: Working people over 16 years of age, 3.13 francs (\$0.60); from 14 to 16 years of age, 1.80 francs (\$0.35); under 14 years of age, 1.21 francs (\$0.23).

This rate of pay for a day's labor of an adult agrees fairly well with the data secured by the inquiry of 1891. The average of 3.13 francs (\$0.60) corresponds exactly with the wages in 1891 of men from 19 to 21 years of age. A comparison of other figures seemed to indicate a reduction since 1880 in the rates per day of working people under 16 years of age.

If in the comparison we go back to the year 1846 an entirely different result is found. The average daily wages of that period were as follows: Men, 1.49 francs (\$0.29); women, 0.71 francs (\$0.14); boys, 0.54 francs (\$0.10); girls, 0.39 francs (\$0.08).

It is thus shown, by comparing these figures with those for 1880 and 1891, that wages have more than doubled in 40 years.

With regard to the hours of labor, the inquiry of 1891 showed an average daily duration of 10 hours and 24 minutes. This is a diminution since the census of 1880. According to that enumeration the duration was 10 hours and 53 minutes, or 29 minutes more.

The family expenditures have been divided into two principal classes:

1. Expenditures of a material nature.
2. Expenditures for religious, moral, and intellectual purposes, and for luxuries.

The first class comprises two categories: First, expenditures for food; second, expenditures for habitation, furniture, clothing, etc.

Of the total monthly expenditures, amounting to 30,379 francs (\$5,863), the expenditures of a material nature were 28,139 francs (\$5,431), or 93 per cent. The expenditures of the second class amounted to 2,240 francs (\$432), of which 1,600 francs (\$309) were for luxuries and 640 francs (\$123) for religious, moral, and intellectual purposes. The last category, therefore, represents 2 per cent and the preceding category 5 per cent of the total expenditures.

Regarding expenditures of a material nature, we may say that the 93 per cent of the total expenditures for this purpose consist of 62 per cent expended for food and 31 per cent for habitation, clothing, etc. In absolute figures, 18,641 francs (\$3,598) were expended for food and 9,498 francs (\$1,833) for habitation, furniture, clothing, etc. It will be seen, therefore, that the bulk of the expenditures was for the necessities of life.

The following table shows for each article of food considered in the inquiry the quantity consumed in one month by the family, which consists of an average of 6.25 persons, the expenses incurred by the purchase of these articles, and the average cost per unit of each:

QUANTITY AND COST OF FOOD CONSUMED IN ONE MONTH BY A FAMILY
AVERAGING 6.25 PERSONS.

Articles of food.	Quantity.	Cost.	Average cost per unit.
Wheat bread	169.76 pounds.	\$4.856	\$0.029
Mixed (wheat and rye) bread	33.80 pounds.	.892	.026
Rye bread	3.44 pounds.	.042	.012
Potatoes	189.24 pounds.	2.268	.012
Vegetables	(a)	.459	(a)
Beef	b19.20 pounds.	b3.034	b.158
Pork	(c)	(c)	(c)
Bacon	3.92 pounds.	.583	.149
Lard and grease	2.89 pounds.	.326	.113
Eggs	2.67 dozen ..	.465	.174
Milk	18.30 quarts..	.704	.038
Cheese	1.48 pounds.	.216	.146
Butter	11.90 pounds.	2.992	.251
Coffee	4.23 pounds.	1.116	.264
Chicory	4.01 pounds.	.183	.046
Sugar	1.87 pounds.	.208	.111
Beer	19.40 quarts..	.728	.038
Distilled liquors	.07 quart...	.017	.243
Groceries, etc	(a)	.064	(a)

a Not reported.

b Including pork.

c Included in beef.

It will be of some interest to bring together certain elements contained in the preceding table to ascertain the annual consumption of food by an adult workingman. By estimating the food consumption of children of tender age on the basis of two children for one adult, the comparison following of 1891 with 1853 can be made.

ANNUAL CONSUMPTION OF FOOD BY AN ADULT WORKINGMAN, 1853 AND 1891.

Articles of food.	Pounds of food consumed by an adult workingman in—	
	1853.	1891.
Bread.....	465.17	582.90
Potatoes.....	687.84	533.52
Meat and bacon.....	21.16	65.26
Butter, lard, etc.....	19.84	41.78
Coffee.....	11.02	11.95

This comparison seems to indicate that the nourishment of the workingman of 1891 is more substantial and more abundant than that of the wage-worker of 1853. The consumption of but one article, the potato, has diminished. The consumption of butter, lard, etc., has doubled, the use of meat and bacon has more than tripled, and coffee has been used in about the same proportion. As regards bread, it is shown that 117.73 additional pounds actually entered into the annual food of a workingman. Besides this, a great change is noticed in the quality of the bread. Formerly rye bread constituted 47 per cent of the total weight of bread consumed, wheat bread 31 per cent, and mixed rye and wheat bread 22 per cent. At the present time the use of rye bread has almost been discontinued, and wheat bread has replaced it on the workingman's table. This is illustrated in the following statement of the proportionate parts of the various breads which enter into the popular food:

KINDS OF BREAD CONSUMED BY A WORKINGMAN AND PROPORTION OF EACH, 1853 AND 1891.

Kinds of bread.	1853 (percent).	1891 (percent).
Wheat.....	31	82
Mixed (wheat and rye).....	22	16
Rye.....	47	2

If the general table of expenditures for food be analyzed six classes may be formed, namely: Bread; potatoes and other vegetables; beef, pork, bacon, lard, etc.; eggs, milk, cheese, and butter; coffee, chicory, sugar, and groceries, and beer and distilled liquors. On the basis of this classification the following distribution of the monthly expenditures of 187 workingmen's families is obtained:

MONTHLY EXPENDITURES FOR FOOD OF 187 WORKINGMEN'S FAMILIES.

Classes of food.	Expenditure.	Per cent of total.
Bread.....	\$1,084.47	30
Potatoes and other vegetables.....	509.52	14
Beef, pork, bacon, lard, etc.....	738.23	21
Eggs, milk, cheese, and butter.....	822.76	23
Coffee, chicory, sugar, and groceries.....	289.31	8
Beer and distilled liquors.....	188.77	4
Total.....	3,632.05	100

Bread is the most important item of expenditure, constituting almost one-third of the food budget. Next follow eggs and dairy products, which amount to nearly one-fourth of the total expenditure.

As regards the prices of articles of food, the following table makes possible a comparison between 1854 and 1891:

PRICES OF ARTICLES OF FOOD, 1854 AND 1891.

Articles of food.	Price per pound.	
	1854.	1891.
Wheat bread	\$0. 038	\$0. 029
Rye bread	. 025	. 012
Potatoes	. 011	. 012
Meat	. 088	. 158
Milk	a. 022	a. 038
Butter	. 153	. 251
Coffee	. 175	. 264
Beer	a. 024	a. 038

a Per quart.

The above figures show that, with the exception of wheat and rye bread, all the food products cited have advanced in price. This advance was considerable except in the case of potatoes, of which the change in price was very slight.

The following table summarizes the average monthly expenditures for habitation, clothing, and other articles of a material nature, and shows the relative importance of each item:

EXPENDITURES FOR HABITATION, FURNITURE, CLOTHING, ETC., IN ONE MONTH BY A FAMILY AVERAGING 6.25 PERSONS.

Objects of expenditure	Amount per month.	Per cent of total.
Rent	\$2. 625	26. 9
Repairs etc. to dwelling	. 214	2. 2
Furniture	. 210	2. 1
Garden culture	. 077	. 8
Taxes	. 016	. 5
Fuel	1. 353	13. 9
Light	. 266	2. 7
Clothing for father	1. 017	a 35. 1
Clothing for mother	. 600	
Clothing for children	1. 808	
Bedding and bed linens	. 477	4. 9
Washing (laundry)	. 565	5. 8
Expenses for hygienic purposes	. 131	1. 3
Expenses for sickness	. 239	2. 4
Expenses incidental to the trade	. 135	1. 4
Total	9. 761	100. 0

a Percentage for entire family.

There are three important items in this presentation, namely, rent, fuel, and clothing. Their relative importance is shown by the percentages, 26.9, 13.9, and 35.1, respectively, which enter into the second category of expenditures. The expenditures for these purposes thus absorb three-fourths of the amount carried in the table.

The small importance of expenditures for religious, moral, and intellectual purposes has already been shown. They represent only 2 per cent of the total budget. The same condition was shown in 1853. The proportions are identical. In the following statement are shown the details of expenditures of this category for one month:

Religion	\$0. 048
School expenses for children	. 112
Books, papers, engravings, etc.	. 095
Subscriptions for religious, moral, or intellectual purposes	. 021
Mutual aid societies	. 145
Provident associations	. 079
Pension funds	. 027
Savings associations	. 069
Savings banks	. 054
Total	. 650

Following are the statistics regarding the monthly expenditures for luxuries:

Beer and liquors consumed at cafés	\$1. 243
Tobacco	. 268
Losses at play (ninepins, ball, etc.)	. 050
Personal ornaments	. 064
Local and public festivals	. 064
Pawn-shop loans and deposits	. 010
Total	1. 699

There was a slight increase in these expenditures when compared with those for 1853. The percentage of this category of the total budget has increased from 4 per cent, forty years ago, to 5 per cent. The expenses incurred in the cafés and grogshops constitute the main part, both of the increase noted and of the actual total of this category of expenses. If to the grogshop expenditures we add those for tobacco, we have the only two items of this category which merit any attention.

In 1853 the frequenting of cafés and grogshops and the consumption of fermented and distilled drinks absorbed 2.48 per cent of the workmen's budget. According to recent statistics this proportion was increased to 4 per cent. The actual monthly expenditures for purposes of this kind, which in 1891 amounted to 6.41 francs (\$1.24), were only 4.20 francs (\$0.81) in 1853, or 2.24 francs (\$0.43) less.

GREAT BRITAIN.

Report on the Strikes and Lockouts of 1896 in Great Britain and Ireland.
1897. lxxi, 209 pp. (Published by the Labor Department of the British Board of Trade.)

This is the ninth annual report on strikes and lockouts in the United Kingdom, prepared by the chief labor correspondent of the Labor Department of the Board of Trade. The greater part of the volume

is devoted to tables showing for each dispute the occupations and the number of working people and establishments affected, the cause or object of the dispute, and the duration and result. These tables are preceded by an analysis of the statistics of strikes and lockouts, summary tables, and a comparison of strikes and lockouts in recent years. Space is also given to reports on the settlement of disputes by conciliation and arbitration, and returns received from trade unions on the state of the labor market.

STRIKES AND LOCKOUTS.—The report shows a marked falling off in the extent and importance of trade disputes in 1896, as compared with the four preceding years. This is shown in the following table:

STATISTICS OF STRIKES AND LOCKOUTS, 1892 TO 1896.

[Persons affected means persons thrown out of work.]

Year.	Strikes and lockouts.	Persons affected.	Aggregate working days lost. (a)	Result (per cent).		
				In favor of employees.	In favor of employers.	Compromised, indefinite, or unsettled.
1892.....	700	356,799	17,381,936	27.5	19.9	52.6
1893.....	783	636,386	31,205,062	62.9	12.1	25.0
1894.....	1,061	324,245	9,322,096	22.1	42.1	35.8
1895.....	876	263,758	5,542,652	24.1	27.9	48.0
1896.....	1,021	198,687	3,748,525	39.5	33.4	27.1

a The aggregate days shown for 1896 is strictly the number of days lost through disputes in that year up to December 31, including the days lost in 1896 by disputes commencing in 1895, but excluding days lost in 1897 by disputes commencing in 1896. In each of the previous years the figures shown are the number of days lost by disputes commencing in those years, and including the days lost by disputes extending beyond the year of commencement. The comparison is not materially affected by the change in method.

While the number of disputes was greater in 1896 than in any of the four preceding years except 1894, the number of persons affected and the aggregate working days lost were much smaller than during any other year of the period. The maximum number of persons affected in any one year was 636,386 in 1893, the year of a general strike of coal mine employees. Since 1893 this number has declined year by year, the figures being 324,245 in 1894, 263,758 in 1895, and 198,687 in 1896. If the number of working days lost be taken as the measure of importance of disputes, a similar result is shown. The maximum loss was in 1893, when it was estimated at 31,205,062 days. In 1894 the loss was 9,322,096, in 1895, 5,542,652, and in 1896, 3,748,525 days.

The proportion of working people involved in disputes which were settled in their favor was greater in 1896 than in any of the previous years except 1893, when this percentage was largely affected by the result of the great coal strike.

The table following shows the number of working people affected by strikes and lockouts, classified according to trades, from 1892 to 1896.

PERSONS AFFECTED BY STRIKES AND LOCKOUTS, BY INDUSTRIES, 1892 TO 1896.

[Persons affected means persons thrown out of work.]

Industries.	Persons affected by strikes and lockouts.				
	1892.	1893.	1894.	1895.	1896.
Building	15,979	15,348	13,814	9,216	33,470
Mining and quarrying	120,386	506,182	216,580	83,879	67,203
Metal, engineering, and shipbuilding	40,121	30,415	27,974	46,439	48,210
Textile	103,255	46,041	40,027	64,297	33,717
Clothing	35,536	9,948	5,576	50,071	4,016
Transportation	12,542	15,557	11,546	4,263	3,320
Miscellaneous	28,002	12,640	8,167	5,552	8,211
Employees of public authorities	978	253	561	41	540
Total	356,799	636,386	324,245	263,758	198,687

In each year disputes in the mining and quarrying industries have affected the largest number of persons. Next in magnitude were disputes in the textile, and in the metal, engineering, and shipbuilding trades. Disputes in the building trades were more important in 1896 than in any of the four preceding years.

The following table shows for each group of trades the number of strikes and lockouts, the number of persons affected classified according to results, and the aggregate number of days lost:

PERSONS AFFECTED BY STRIKES AND LOCKOUTS, BY INDUSTRIES AND RESULTS, AND WORKING DAYS LOST, 1896.

[Persons affected means persons thrown out of work.]

Industries.	Strikes and lockouts.	Persons affected by strikes and lockouts, the results of which were—				Total persons affected.	Aggregate working days lost.
		In favor of employees.	In favor of employers.	Compromised.	Indefinite or unsettled.		
Building	205	19,621	10,566	3,283	.....	33,470	1,061,207
Mining and quarrying	172	16,993	22,488	27,722	.....	67,203	1,011,126
Metal, engineering, and shipbuilding	281	24,306	13,637	10,037	230	48,210	862,205
Textile	163	11,287	14,704	7,673	53	33,717	520,371
Clothing	54	2,232	543	1,241	.....	4,016	98,894
Transportation	26	638	513	2,169	.....	3,320	23,046
Miscellaneous	114	3,101	3,816	1,294	.....	8,211	169,069
Employees of public authorities	6	308	53	179	.....	540	1,607
Total	1,021	78,486	66,320	53,598	283	198,687	3,748,525

In 1896, of the total number of working people affected by strikes and lockouts 67,203, or 33.8 per cent, were employed in mining and quarrying; 48,210, or 24.3 per cent, in the metal, engineering, and shipbuilding trades; 33,717, or 17.0 per cent, in the textile trades; and 33,470, or 16.8 per cent, in the building trades, leaving but 8.1 per cent affected by disputes in the remaining industries. Of the 1,021 strikes, 800 affected only single establishments.

The causes or objects of strikes and lockouts, the number of persons affected classified according to results, and the aggregate number of days lost are shown in the table following.

**PERSONS AFFECTED BY STRIKES AND LOCKOUTS, BY CAUSES AND RESULTS, AND
WORKING DAYS LOST, 1896.**

[Persons affected means persons thrown out of work.]

Cause or object.	Strikes and lockouts.	Persons affected by strikes and lockouts, the results of which were—				Total persons affected.	Aggregate working days lost.
		In favor of employees.	In favor of employers.	Compromised.	Indefinite or unsettled.		
Wages	570	45,499	43,312	26,932	74	115,817	2,668,957
Hours of labor	26	1,541	1,662	455		3,658	51,200
Working arrangements	164	12,905	7,353	12,863		33,121	385,552
Employment of other classes of working people	53	2,295	2,713	2,326	144	7,478	70,545
Questions of unionism	103	8,762	1,840	1,429		12,031	327,183
Against employment of particular persons (a)	11	221	126	3,347		3,694	14,950
For reinstatement of discharged employees (a)	43	3,112	2,828	3,164		9,104	61,806
Objection to action of officials	20	1,499	2,082	103	53	3,737	22,691
Sympathetic disputes	24	1,496	4,343	2,705		8,544	101,684
Miscellaneous	7	1,156	61	274	12	1,503	23,957
Total	1,021	78,486	66,320	53,598	283	198,687	3,748,525

a Apart from unionism.

In 1896, 115,817, or 58.3 per cent, of the total number of persons affected by strikes and lockouts were engaged in wage disputes. Next in magnitude were disputes as to working arrangements, which accounted for 33,121, or 16.7 per cent, of all persons involved in strikes and lockouts. Questions of trade-unionism ranked third in importance, involving 12,031, or 6.1 per cent, of the total number.

As regards the results of strikes and lockouts, 78,486, or 39.5 per cent, of the working people obtained their demands; disputes affecting 53,598, or 27.0 per cent, were compromised, and disputes affecting 66,320, or 33.4 per cent, resulted in favor of the employers.

In the following table the strikes and lockouts which began in 1896 are arranged in groups according to the number of persons involved:

**PERSONS AFFECTED BY STRIKES AND LOCKOUTS AND WORKING DAYS LOST, BY
GROUPS, 1896.**

[Persons affected means persons thrown out of work.]

Groups.	Strikes and lockouts.	Persons affected.		Working days lost.	
		Number.	Per cent.	Number.	Per cent.
5,000 persons and upward	3	19,141	9.63	452,063	12.13
2,500 and under 5,000	5	15,740	7.92	537,945	14.44
1,000 and under 2,500	30	38,373	19.31	719,456	19.31
500 and under 1,000	53	35,628	18.03	546,829	14.67
250 and under 500	120	40,814	20.54	574,184	15.41
100 and under 250	191	29,438	14.82	510,323	13.69
50 and under 100	152	10,461	5.27	216,707	5.82
Under 50	467	8,892	4.48	168,755	4.53
Total	1,021	198,687	100.00	3,726,262	100.00

a These figures differ slightly from those given in preceding tables as the aggregate days lost during 1896, since they exclude the days lost in 1896 through disputes in progress at the beginning of the year and include those lost in 1897 through disputes which began in 1896.

It appears from the above that a comparatively small number of disputes accounted for a very large proportion of the persons involved

and of the total days lost. Thus 91 out of a total of 1,021 strikes and lockouts were participated in by about 55 per cent of the aggregate number of persons involved. The average duration of strikes and lockouts, in working days, was 18.8, as compared with 21.6 in 1895. The methods of settlement in 1896 were as follows:

PERSONS AFFECTED BY STRIKES AND LOCKOUTS, BY METHODS OF SETTLEMENT AND INDUSTRIES, 1896.

[Persons affected means persons thrown out of work.]

Methods of settlement.	Industries.								Total persons affected.	Per cent.
	Build- ing.	Mining and quarry- ing.	Metal, engi- neering, and ship- build- ing.	Textile.	Cloth- ing.	Trans- porta- tion.	Miscel- laneous.	Em- ployees of pub- lic au- thor- ities.		
Arbitration.....	463	5,018	4,706	51	12	.....	30	.....	10,280	5.2
Conciliation and mediation.....	4,867	800	1,597	1,668	190	800	19	.....	9,941	5.0
Direct negotiation or arrangement between the parties.....	17,445	38,597	34,521	19,812	3,271	2,207	4,596	487	120,936	60.9
Submission of working people..	9,485	20,011	4,368	9,705	116	200	2,755	50	46,780	23.6
Replacement of working people..	1,191	1,375	1,239	2,338	382	113	809	3	7,450	3.7
Closing of works or establishments	19	1,402	1,693	.....	45	.....	2	.....	3,161	1.6
Total.....	33,470	67,293	64,824	633,664	4,016	3,320	8,211	540	198,548	100.0

a Three disputes affecting 86 persons not settled in 1896.

b One dispute affecting 53 persons not settled in 1896.

c Four disputes affecting 139 persons not settled in 1896.

Strikes and lockouts affecting 71.1 per cent of the total persons involved in 1896 were settled by negotiation or other conciliatory methods, while disputes involving 28.9 per cent ended in the submission of the working people or their loss of employment.

STATE OF THE LABOR MARKET.—Returns received from trade unions in the United Kingdom show a lower percentage of unemployed in 1896 than during any year since 1890. The following table gives the percentages of the unemployed for the ten years 1887 to 1896:

PERCENTAGE OF MEMBERS OF TRADE UNIONS REPORTED AS UNEMPLOYED AT THE END OF EACH MONTH, 1887 TO 1896.

Month.	1887.	1888.	1889.	1890.	1891.	1892.	1893.	1894.	1895.	1896.	Average.
January.....	10.3	7.8	3.1	1.4	3.4	5.0	10.0	7.0	8.2	4.5	6.1
February.....	8.5	7.0	2.8	1.4	2.6	5.7	9.5	6.3	7.9	3.8	5.6
March.....	7.7	5.7	2.2	1.7	2.8	5.7	8.7	6.5	6.5	3.5	5.1
April.....	6.8	5.2	2.0	2.0	2.7	5.4	6.9	6.1	6.5	3.2	4.7
May.....	8.5	4.8	2.0	2.0	3.0	5.9	6.2	6.3	6.0	3.3	4.8
June.....	8.0	4.6	1.8	1.9	2.9	5.2	5.8	6.3	5.6	3.2	4.5
July.....	8.5	3.9	1.7	2.3	3.3	5.0	6.2	7.4	5.3	3.1	4.7
August.....	8.3	4.8	2.5	2.3	4.2	5.1	7.1	7.7	5.2	3.4	5.1
September.....	7.5	4.4	2.1	2.6	4.5	6.2	7.3	7.6	4.9	3.6	5.1
October.....	8.6	4.4	1.8	2.6	4.4	7.3	7.3	7.4	4.9	3.3	5.2
November.....	8.5	3.1	1.5	2.4	3.8	8.3	7.2	7.0	4.3	2.9	4.9
December.....	6.9	3.2	1.7	3.0	4.4	10.2	7.9	7.7	4.8	3.2	5.3
Average.....	8.2	4.9	2.1	2.1	3.5	6.3	7.5	6.9	5.8	3.4	5.1

Fifth Annual Report on Changes in Wages and Hours of Labor in the United Kingdom. 1897. lxx, 233 pp. (Published by the Labor Department of the British Board of Trade.)

The present report is published in continuation of similar reports for the years 1893, 1894, 1895, and 1896, which were reviewed in Bulletins Nos. 2 and 14. The changes recorded in the market rates of wages and recognized hours of labor of working people in 1897 are based upon returns furnished by employers, employers' associations, trade unions, and other parties concerned.

The year 1897, like 1896, was a year of rising wages, all the principal groups of industries showing an advance. At the same time the hours of labor were reduced in nearly all the groups. The year 1897 has been more favorable to the workingmen, with respect to wages and hours of labor, than any of the four preceding years for which investigations have been made. This is shown in the following comparative statement, which summarizes the principal data relating to changes in rates of wages and hours of labor for the years 1893 to 1897:

CHANGES IN RATES OF WAGES AND HOURS OF LABOR, 1893 TO 1897.

Items.	1893.	1894.	1895.	1896.	1897.
Changes in rates of wages:					
Increases.....	508	608	624	1,471	1,411
Decreases.....	198	171	180	136	107
Total.....	706	779	804	1,607	1,518
Separate individuals affected—					
By increases in rates of wages.....	142,364	175,615	79,867	382,225	590,707
By decreases in rates of wages.....	256,473	488,357	351,895	167,357	13,855
By changes, leaving wages same at end as at beginning of year.....	151,140	6,414	4,956	58,072	22,882
Total.....	549,977	670,386	436,718	607,654	597,444
Average weekly increase in rates of wages....	\$0.112	α \$0.330	α \$0.314	\$0.213	\$0.259
Changes in hours of labor:					
Increases.....	16	2	12	22	7
Decreases.....	139	219	129	223	247
Total.....	155	221	141	245	254
Separate individuals affected—					
By increases in hours of labor.....	1,530	128	1,287	73,616	1,060
By decreases in hours of labor.....	33,110	77,030	21,448	34,655	69,572
Total.....	34,640	77,158	22,735	108,271	70,632
Average weekly reduction in hours of labor...	1.99	4.04	1.94	0.73	4.03

α Decrease.

CHANGES IN RATES OF WAGES.—The total number of changes in rates of wages in 1897 was 1,518, being slightly smaller than in the preceding year. This is also true of the number of persons affected by such changes, which was 597,444 in 1897 and 607,654 in 1896. The results of such changes, however, show a greater number of persons affected by increases in 1897 and a much smaller number whose wages were reduced than in any of the four preceding years. In 1897, 590,707

persons were affected by an increase of wages as against 382,225 in 1896, the greatest number in any of the four preceding years. In the same year 13,855 persons suffered a reduction as against 167,357 in 1896, the smallest number in any of the four years mentioned. Since 1894 there has been a steady and decided fall in the number of persons whose wages were reduced.

In the following table the changes in the rates of wages in 1897 and the number of employees affected are shown by industries:

NUMBER OF INCREASES AND DECREASES IN WEEKLY WAGES, AND EMPLOYEES AFFECTED, BY INDUSTRIES, 1897.

Industries.	Changes.			Employees affected.			Total.
	In-creases.	De-creases.	Total.	Wages in-creased.	Wages de-creased.	Wages same at end as at begin-ning of year.	
Building	483		483	83,219			83,219
Mining and quarrying	33	6	39	249,270	1,319		250,589
Metal, engineering, and shipbuild- ing	539	74	613	176,918	7,768	21,576	206,262
Textile	38	19	57	3,894	4,115	1,306	9,315
Clothing	33		33	1,939			1,939
Miscellaneous	166	7	173	24,490	648		25,138
Employees of public authorities	119	1	120	20,977	5		20,982
Total	1,411	107	1,518	560,707	13,855	22,882	597,444

In the case of each group of industries the number of changes resulting in an increase of wages greatly exceeded the number resulting in a decrease. The same is true with regard to the number of persons affected, except in the group of textiles, where 4,115 employees suffered a reduction, while 3,894 had their wages increased. In the building trades, in all of the 483 changes, affecting 83,219 persons, there were no reductions in wages. In the clothing industry all the changes resulted in higher wages.

The following table shows, by industries, for the years 1893 to 1897, inclusive, the net results of changes in wages:

AVERAGE INCREASE IN RATES OF WAGES, BY INDUSTRIES, 1893 TO 1897.

Industries.	Average increase per employee per week.				
	1893.	1894.	1895.	1896.	1897.
Building	\$0.360	\$0.345	\$0.411	\$0.502	\$0.517
Mining and quarrying	.228	.421	.461	.127	.132
Metal, engineering, and shipbuilding	.218	.157	.005	.370	.269
Textile	.086	.112	.046	.020	.041
Clothing	.385	.335	.502	.314	.476
Miscellaneous	.020	.076	.127	.416	.507
Employees of public authorities	.380	.360	.390	.294	.350
All industries	.112	.330	.314	.213	.259

a Decrease.

In 1897, for the first time during the five-year period, each group of industries shows an increase in the average weekly rates of wages per

employee, the increase varying from an average of \$0.041 per week in the group of textiles to \$0.517 per week in the group of building trades. During the entire period of five years the groups of building and clothing industries and employees of public authorities showed a steady increase in the average weekly rates of wages.

Returns regarding wages of agricultural laborers in England and Wales show a continued upward tendency in 1897 when compared with 1896, when an increase in wage rates was also noted. The number of laborers in districts in which changes in current rates took place in 1897 was 87,385, compared with 99,329 in 1896. Of this number, in 1897, 4,932 were in districts in which wages fell, compared with 40,751 in 1896, and 82,453 were in districts in which wages rose, compared with 58,578 in 1896. The total net effect of the changes in 1897 was an increase of £2,411 (\$11,733) per week, or 6½d. (\$0.132) per head, compared with £383 (\$1,864) in 1896, or a rise of 1d. (\$0.02) per head. Calculated on the total number of agricultural laborers in England and Wales, the rise per head in 1897 amounted to ¾d. (\$0.015) per week, as compared with a rise of ¼d. (\$0.003) per week in 1896 and a fall of ¾d. (\$0.015) per week in 1895.

The information concerning railway employees is shown in the form of actual earnings, as the remuneration is usually regulated by graduated scales of pay rather than by fixed wage rates. Returns are published from leading railway companies employing nearly 90 per cent of all the railway employees in the United Kingdom. The returns cover the number of employees and total wages paid the first week in December, 1896 and 1897, respectively, in the passenger, freight, locomotive, and machinery construction departments.

The returns are summarized in the following table:

RAILWAY EMPLOYEES AND WAGES PAID IN 17 COMPANIES FOR THE FIRST WEEK IN DECEMBER, 1896 AND 1897.

Districts.	Compa- nies.	1896.				1897.	
		Employees.	Wages.		Employees.	Wages.	
			Total.	Average.		Total.	Average.
England and Wales....	12	311,796	\$1,856,078	\$5.95	327,269	\$1,982,310	\$6.06
Scotland.....	3	38,350	211,430	5.52	39,676	217,012	5.47
Ireland.....	2	7,213	38,849	5.38	7,202	39,292	5.45
Total.....	17	357,359	2,106,357	5.90	374,147	2,238,614	5.98

The average wages for the 17 railways in the United Kingdom rose from 24s. 2¾d. (\$5.90) in 1896 to 24s. 7d. (\$5.98) in 1897, or 4½d. (\$0.091) per head.

Among seamen the data obtainable for 1897 showed a decidedly rising tendency in wages.

CHANGES IN HOURS OF LABOR.—There were 254 changes reported in the hours of labor, all but 7 of which resulted in a reduction of the

working time. Of 70,632 employees affected by these changes, 69,572 had their hours of labor reduced and but 1,060 had them increased. The total net reduction in weekly hours of labor amounted to 284,675 hours, or an average reduction of 4.03 hours per week per person affected by changes. The average reduction in working time is greater than in the years 1893, 1895, and 1896, and is nearly equal to that in 1894, the year of the introduction of the eight-hour day in the Government service, when the average reduction was 4.04 hours per week.

The following table shows the number of employees affected by changes in the hours of labor, classified according to the extent of such changes, for the years 1893 to 1897, inclusive:

EMPLOYEES AFFECTED BY CHANGES IN HOURS OF LABOR, BY EXTENT OF CHANGE PER WEEK, 1893 TO 1897.

Change per week.	Employees whose hours were—									
	Increased.					Decreased.				
	1893.	1894.	1895.	1896.	1897.	1893.	1894.	1895.	1896.	1897.
Under 1 hour	480			71,899	705	5,538	2,696	2,961	4,871	9,468
1 or under 2 hours	803	43	431	144	55	9,800	4,141	9,675	10,695	30,636
2 or under 4 hours	247		17	1,016	141	15,058	37,535	5,235	11,939	11,534
4 or under 6 hours			150	252	70	1,491	9,536	1,926	2,200	6,303
6 or under 8 hours			590	250	89	1,011	20,504	1,229	3,301	5,658
8 hours or over		85	189	55		221	2,628	422	1,649	5,973
Total	1,530	128	1,287	73,616	1,060	33,119	77,030	21,448	34,655	69,572

The reduction of hours in 1897 in most cases amounted to less than two per week, although the proportion of employees whose hours of labor were reduced eight hours per week or over was unusually large. Where the hours of labor were increased, the increase amounted to less than one hour per week in the case of about two-thirds of the employees so affected.

The number of changes in the hours of labor and the number of employees affected during the year 1897 are shown by industries in the following table:

NUMBER OF INCREASES AND DECREASES IN HOURS OF LABOR, AND EMPLOYEES AFFECTED, BY INDUSTRIES, 1897.

Industries.	Changes.			Employees affected.			Decrease per employee in average weekly hours of labor
	In-creases.	De-creases.	Total.	Hours increased.	Hours decreased.	Total.	
Building		90	90		16,084	16,084	1.18
Mining and quarrying	1	4	5	55	77	132	2.32
Metal, engineering, and ship-building	2	45	47	150	29,930	30,080	5.99
Textile		2	2		273	273	3.55
Clothing							
Miscellaneous	2	81	83	150	21,067	21,217	3.36
Employees of public authorities	2	25	27	705	2,141	2,846	4.56
Total	7	247	254	1,060	69,572	70,632	4.03

The greatest number of changes in the hours of labor was reported in the group of building trades, all of which changes resulted in reduced hours of labor. The largest number of persons affected by changes in hours of labor was in the group of metal, engineering, and shipbuilding, in which industry 29,930 persons had their labor time reduced, and but 150 had it increased. In the clothing industry no change was reported. The greatest decrease in the average weekly hours of labor was 5.99, in the metal, engineering, and shipbuilding industries.

During 1897, 5,896 employees in private establishments and 200 employees in the public service secured an eight-hour day for a six-day week, while 5,036 employees in private establishments and 302 in the public service secured an eight-hour day for a week of seven days. On the other hand, 300 employees who had been working eight hours per day had their working day increased.

PIECE PRICE LISTS AND SLIDING SCALES.—Piece price lists adopted and revised in 1897 are given for the metal, textile, boot and shoe, tailoring, hat, glass bottle, and leather industries, and sliding scales for blast furnace men and coal miners. The report also shows the text of a number of the most important agreements entered into by employers and employees regarding rates of wages, hours of labor, and other working conditions.

DECISIONS OF COURTS AFFECTING LABOR.

[This subject, begun in Bulletin No. 2, has been continued in successive issues. All material parts of the decisions are reproduced in the words of the courts, indicated when short by quotation marks and when long by being printed solid. In order to save space, immaterial matter, needed simply by way of explanation, is given in the words of the editorial reviser.]

DECISIONS UNDER STATUTORY LAW.

CONSTITUTIONALITY OF STATUTE—EMPLOYERS' LIABILITY ACT—RAILWAY RELIEF ASSOCIATION, ETC.—*Pittsburg, Cincinnati, Chicago and St. Louis Railway Co. v. Montgomery*, 49 *Northeastern Reporter*, page 582.—Action was brought in the circuit court of Cass County, Ind., by William J. Montgomery against the above-named railroad company to recover damages for personal injuries due to the negligence of said company and sustained by him while in its employ. A judgment was rendered for Montgomery and the defendant company appealed the case to the supreme court of the State, which rendered its decision February 19, 1898, and affirmed the judgment of the lower court.

The opinion of the supreme court was delivered by Judge McCabe, and the facts in the case and the reasons for the decision are sufficiently shown in the following quotation therefrom:

The only objection urged to the complaint is that it shows that the plaintiff [Montgomery] was a freight brakeman in the defendant's [above-named railroad company] service on its railroad, and that it was the negligence of the engineer of the train on which he was serving that caused his injury, and that, under the fellow-servant rule, there was no liability. The injury occurred on July 1, 1893, after the act approved March 4, 1893, took effect, touching the liability of railroads, commonly called the "Employers' liability act." Acts 1893, p. 294; Rev. St., 1894, §§ 7083-7087 (Horner's Rev. St., 1897, §§ 5206-5206v).

Appellant's [above-named railroad company] learned counsel contend that it is settled law that the employer is not liable to an employee for injuries caused by the negligence of a coemployee in the same general service, unless the employer was guilty of some negligence in employing the servant, with knowledge of his negligent habits or incompetency, or retained him after knowledge of such negligence or lack of skill. There is no showing of any such negligence on the part of the appellant, as employer, in the complaint. Appellee [Montgomery] concedes this to be the common-law rule, and that it prevailed in this State prior to the enactment above mentioned. Indeed, it is conceded by the appellee that his complaint depends upon that act for its sufficiency in its facts to constitute a cause of action, and is founded thereon.

It is first contended by the appellant that the act does not change the common-law rule, and it would seem to follow, if that is true, that the complaint is clearly bad. The first section provides: "That every railroad or other corporation, except municipal, operating in this State

shall be liable in damages for personal injury suffered by any employee while in its service, the employee so injured being in the exercise of due care and diligence, in the following cases." Then follow four subdivisions, specifying the cases in which liability is to attach, the fourth of which, and the one on which this action is founded, reads thus: "Where such injury was caused by the negligence of any person in the service of such corporation, who has charge of any signal, telegraph office, switch yard, shop, roundhouse, locomotive engine, or train upon a railway, or where such injury was caused by the negligence of any person, coemployee, or fellow-servant engaged in the same common service in any of the several departments of the service of any such corporation, the said person, coemployee, or fellow-servant, at the time acting in the place and performing the duty of the corporation in that behalf, and the person so injured, obeying or conforming to the order of some superior at the time of such injury, having authority to direct; but nothing herein shall be construed to abridge the liability of the corporation under existing laws." Appellant's learned counsel say: "The complaint lacks two allegations to make it good under this provision, (1) That the engineer at the time was acting in the place and performing the duty of the corporation in that behalf; and (2) that appellee was obeying or conforming to the order of some superior at the time of such injury, having authority to direct. It was not alleged that the engineer was acting in the place or performing the duty of the master, or that appellee was acting in obedience to a superior." etc.

This language, together with other parts of appellant's brief, indicates that appellant's learned counsel construe the language of the statute above quoted as conveying the meaning that the right to recover against an employer for the negligence of a coemployee or fellow servant rests upon the condition that such negligent coemployee was at the time acting in the place and performing the duty that the master or employer owed to his or its servants or employees generally, and yet they do not say so in so many words. The majority of the court are of the opinion that the decision of that question is not necessary to the decision of this case. They hold that the only part of the fourth subdivision of said section which is necessary to be considered in determining the sufficiency of the complaint is the following: "Where such injury was caused by the negligence of any person in the service of such corporation who has charge of any * * * locomotive engine upon a railway. * * * and the person so injured, obeying or conforming to the order of some superior at the time of such injury, having authority to direct;" and that hence it was not necessary that the complaint should state that the alleged negligent engineer, at the time he committed the alleged negligent injury, as provided in such concluding clause, was acting in the place and performing the duty of the corporation in that behalf, while the writer hereof is of the opinion that the whole of the fourth subdivision must stand together, and that the words quoted from the concluding clause qualify the liability created in the first clause or clauses. But the duty of the corporation therein mentioned, in the opinion of the writer, means, not the duty it owes to its servants, but the duty it owes to the public in carrying on its business; and the words, "acting in the place of such corporation," with the other words quoted, were used to convey the idea that, in order that the liability mentioned should exist, the negligent person, coemployee, or fellow-servant must be acting as such employee, in the line of his duty at the time of his negligence. The writer is of opinion that the result is good under this construction and the holding of the court

is that, in order to make the complaint good under the first part of the subdivision quoted, as to the point in question, it is only required that it state that the engineer, while in the service of appellant, in charge of a locomotive engine, negligently injured the appellee, both being at the time acting in the line of duty as employees of the appellant. That being so, the averments of the complaint, showing, as they do, that at Hartford City, Ind., the freight train upon which appellee was brakeman stopped to switch out loaded cars; that the conductor of said train, acting in the service of appellant, the authority and position of said conductor making it appellee's duty to obey his orders in respect to said train and switching, ordered appellee to go between said cars to make couplings, and while so engaged the engineer in charge of said train, also in appellant's service, and in the line of his duty, without signal, carelessly, negligently, and recklessly reversed said engine and applied full steam, whereupon said cars were driven and jammed together with terrific force, without notice to appellee, whereby appellee's entire right hand was caught between the bumpers and mashed off, without any fault on his part, make the complaint sufficient, under the statute, as to the objection thereto urged.

The next contention against the sufficiency of the complaint is that the act is unconstitutional, that being confessedly the foundation of the action. It is first contended that it violates section 19 of article 4 of the State constitution, which provides that "every act shall embrace but one subject and matters properly connected therewith; which subject shall be expressed in the title." It is contended that the subject is not expressed in the title, in that the title is "An act regulating liability of railroads and other corporations except municipal," while the provisions of the act itself are, as claimed by appellant, to create a liability which up to that time had no existence. The precise question here involved was decided adversely to appellant's contention, on a statute similar to our own, under a constitution an exact copy of our own in this respect, in *McAnnich v. Railroad Co.*, 20 Iowa, 338. We feel content to follow that case, without extending this opinion by repeating its reasoning, and, accordingly, hold that the subject is sufficiently expressed in the title.

It is next contended that the act violates section 23 of article 1 of the constitution, providing that "the general assembly shall not grant to any citizen or class of citizens privileges or immunities which upon the same terms shall not equally belong to all citizens." Railroad corporations are persons and citizens within the meaning of this provision of our bill of rights, and the equality clause of the fourteenth amendment to the Constitution of the United States. The inequality complained of is that corporations, except municipal, are made liable for damages caused to one of their servants by the negligence of a co-employee or fellow-servant without any negligence on the part of the employer, while other employers are left free from such liability to their employees. Appellant also contends that the act violates the equality clause of the fourteenth amendment of the Constitution of the United States, demanding for every person the equal protection of the laws. The same provision, quoted from the bill of rights in the constitution of this State, is found word for word in the bill of rights of the constitution of Iowa. The supreme court of that State, in upholding the employers' liability act of that State, held that the provision mentioned in the bill of rights in the constitution of that State was, in effect, the same as the equality clause of the fourteenth amendment to the Federal Constitution, and that the employers' liability act did not violate either

constitution in respect of equality of laws or equality of rights secured by each of said provisions in *Bucklew v. Railway Co.*, 64 Iowa, 611, 21 N. W., 103. That decision rests largely on two decisions made upon the subject of the constitutionality of the employers' liability act of Kansas and that of Iowa in the Supreme Court of the United States. Mackey had recovered a judgment for \$12,000 damages against the Missouri Pacific Railway Company for injuries caused by a coemployee of that company, which, on appeal, was affirmed by the supreme court of Kansas. From that judgment the company appealed to the Supreme Court of the United States, on the ground that the Kansas statute violated the fourteenth amendment to the Constitution of the United States. But that court affirmed the judgment, holding that the act in no way infringed that amendment. (*Railroad Co. v. Mackey*, 127 U. S., 205, 8 Sup. Ct., 1161.) Mr. Justice Field, speaking for the court, there said: " * * * The company calls the attention of the court to the rule of law exempting from liability an employer for injuries to employees caused by the negligence or incompetency of a fellow-servant, which prevailed in Kansas and in several other States previous to the act of 1874, unless he had employed such negligent or incompetent servant without reasonable inquiry as to his qualifications, or had retained him after knowledge of his negligence or incompetency. The rule of law is conceded where the person injured and the one by whose negligence or incompetency the injury is caused are fellow-servants in the same common employment, and acting under the same immediate direction. * * * Assuming that this rule would apply to the case presented but for the law of Kansas of 1874, the contention of the company * * * is that the law imposes upon railroad companies a liability not previously existing, in the enforcement of which their property may be taken, and thus authorizes, in such cases the taking of property without due process of law, in violation of the fourteenth amendment. The supposed hardship and injustice consist in imputing liability to the company, where no personal wrong or negligence is chargeable to it or its directors. But the same hardship and injustice, if there be any, exist when the company, without any wrong or negligence on its part, is charged for injuries to passengers. * * * The utmost care on its part will not relieve it from liability, if the passenger injured be himself free from contributory negligence. The law of 1874 extends this doctrine, and fixes a like liability upon railroad companies, where injuries are subsequently suffered by employees, though it may be by the negligence or incompetency of a fellow-servant in the same general employment and acting under the same immediate direction. That its passage is within the competency of the legislature we have no doubt. The objection that the law of 1874 deprives the railroad companies of the equal protection of the laws is even less tenable than the one considered. It seems to rest upon the theory that legislation which is special in its character is necessarily within the constitutional inhibition; but nothing can be further from the fact. The greater part of all legislation is special, either in the objects sought to be attained by it or in the extent of its application. Laws for the improvement of municipalities, the opening and widening of particular streets, the introduction of water and gas, and other arrangements for the safety and convenience of their inhabitants, and laws for the irrigation and drainage of particular lands, for the construction of levees and the bridging of navigable rivers, are instances of this kind. * * * Such legislation is not obnoxious to the last clause of the fourteenth amendment, if all persons subject to it are

treated alike under similar circumstances and conditions in respect both of the privileges conferred and liabilities imposed. * * * But the hazardous character of the business of operating a railway would seem to call for special legislation with respect to railroad corporations, having for its object the protection of their employees, as well as the safety of the public." A like decision was made by the same court, upholding the employers' liability law of Iowa, which has been in force in that State ever since 1862. Some ten or twelve of the States of the Union have such acts on their statute books, and none of them have ever been held unconstitutional.

It is also urged, as an objection to the validity of the act, that it exempts municipal corporations from its operation. But no reason has been suggested why municipal corporations should be classed with railroad corporations. We have many statutes applying to railroad corporations that do not apply to municipal corporations. There is no necessary similarity between them. Nor is the business of municipal corporations so peculiarly hazardous to their employees as to call for such special legislation as is called for in case of railroad corporations to protect their employees. We therefore conclude that the act does not violate the constitution, either Federal or State.

It is next contended that the circuit court erred in sustaining the plaintiff's demurrer to the second paragraph of the defendant's answer. It sets up that on the 8th day of March, 1893, and prior to the defendant's injury, he became a member of the volunteer relief department of the Pennsylvania lines west of Pittsburg, and was such member at the time he was injured, and so continued long after his said injury; that the management of said department is under the charge of said lines west of Pittsburg; that said fund is made up of stated contributions from said lines and the employees thereon, and said lines guarantee the fulfillment of all the obligations of said department, and make up and pay all deficiencies in the amounts necessary to pay all benefits to its members. In becoming a member of said relief department, he agreed to be bound by its rules and regulations, among which were that each member, on complying with its rules, was entitled to receive stipulated benefits on account of disability incurred by injury received to such member in the service of the company. This agreement is all set forth in the appellee's written application for membership, and signed by him; and among the stipulations contained therein is the following, namely: "And I agree that the acceptance of benefits from the said relief fund for injury or death shall operate as a release of all claims for damages against said company arising from injury or death which could be made by or through me, and that I, or my legal representatives, will execute such further instrument as may be necessary formally to evidence such acquittance." And it is further averred that after receiving the injury complained of, while disabled thereby, he accepted benefits from said relief department to the amount of \$385. But it is contended by the appellee that by the fifth section of the act we have been considering the contract set up in this answer as a bar is made void. The contract set up is shown therein to have been entered into after the act took effect and became a law. The section reads thus: "All contracts made by railroads or other corporations with their employees, or rules or regulations adopted by any corporation releasing or relieving it from liability to any employee having a right of action under the provisions of this act are hereby declared null and void." The balance of the section makes the whole act apply to future injuries, and not to past. The validity of this section is assailed on the grounds

that it violates the bill of rights and the fourteenth amendment of the Federal Constitution. What we have said as to the validity of the other parts of the act, under these constitutional provisions, is applicable to this section, and hence it must be held not to infringe them.

Assuming that it [the fifth section] is valid, and makes contracts releasing or relieving corporations from liability under the act absolutely void, appellant's learned counsel contend that there is nothing in the agreement set forth in the second paragraph of the answer relieving or releasing the company from liability for negligence, or from any liability whatever. They say appellee "elected to accept benefits from the relief fund, and, having done so, he can not maintain this action for damages. That is the essence of his agreement." Appellant's counsel further say in one of their briefs that "the payment and acceptance of benefits under the terms of the contract in this relief fund is simply a compromise and settlement of the claim of the injured employee against the company." Let us suppose that the above statement is true. It is certainly the strongest and best statement that can be made of appellant's position. What is it that makes the acceptance of benefit from the relief fund a compromise and settlement of appellee's claim? Only one answer can be made to this question, and that is that the antecedent contract alone makes it such. There is no allegation in the answer that in accepting the benefits appellee made any agreement or compromise whatever, and there is no claim that he did. He simply accepted that which he had a legal and moral right to demand. His own contributions helped to create the fund, and his injury brought him within the rules and regulations entitling him to the benefits. So, even if it was a compromise and settlement, it was such wholly before the injury occurred; and, that being so, it amounts to nothing more than an attempt to secure a release of future liability under the act, call it by whatsoever name we may. But such acceptance is not, in any proper or legal sense, a compromise and settlement of liability under the act. The language of the contract is: "And I agree that the acceptance of benefits from said relief fund shall operate as a release of all claims for damages against said company, arising from such injury or death," etc. So, by the express terms of the contract, it is a release, and not a compromise and settlement. The acceptance of benefits shall operate as a release. But what makes it so? If the antecedent contract was abrogated, the acceptance of benefits would have no effect whatever upon the question of appellant's liability under the act; because he had a legal and moral right, as before remarked, to demand and receive such benefits. So, if the release takes place, it is not by virtue of the acceptance, but it is by the force, vigor, and effect of the antecedent contract. It breathes that effect into the acceptance.

Appellant's learned counsel contend that an exact copy of this contract was held valid in the following cases: *Johnson v. Railroad Co.*, 163 Pa. St., 127, 29 Atl., 854; *Ringle v. Railroad Co.*, 164 Pa. St., 529, 30 Atl., 492; *Locase v. Pennsylvania Co.*, 10 Ind. App., 47, 37 N. E., 423; *Donald v. Railway Co.*, 93 Iowa, 284, 61 N. W., 971. The first three cases just cited were decided in States not having employers' liability acts forbidding contracts of this kind in force at the time the injury sued for occurred. And they proceeded upon the sole ground that the contract did not violate public policy, and therefore they were upheld. Without either approving or disapproving of the rule laid down by the Pennsylvania supreme court and our own appellate court, yet the United States circuit court for the district of Colorado decided the ques-

tion the other way in a strong and able opinion in *Miller v. Railway Co.*, 65 Fed., 305; and we think there is a marked distinction in the rule where a contract is charged with violating public policy and where it contravenes a positive statutory prohibition, and especially where the statute provides that the inhibited contract shall be null and void. As was said in *Brooks v. Cooper*, 50 N. J. Eq., 761, 26 Atl., 978: "Where there is no statutory prohibition, the law will not readily pronounce an agreement invalid on the ground of policy or convenience, but is, on the contrary, inclined to leave men free to regulate their affairs as they think proper. * * * Now, the intention of the contract was to contravene the statute, and this intention is revealed in the contract. This renders the contract vicious and unenforceable." As we have before said, the contract in question is a release of appellant's liability under the act upon a certain condition. That it is a conditional release of such liability, dependent upon the happening of the condition, namely, the acceptance of said benefits by appellee, there can be no doubt. If that condition happens, as it did, appellant's liability under the act is released by virtue of the antecedent contract, if it is enforced. If it is enforced, it must be so done in violation of the statute which makes all such contracts null and void. That certainly more than tends to obstruct both the letter and spirit of the statute.

If we were even mistaken in construing this contract as a conditional one, so as to bring it within the condemnation of the statute in question, it unquestionably falls within the principle laid down by Wharton, thus: "The prohibition of a statute can not be evaded by putting a contract in a shape which, while nominally not inconsistent with the statute, virtually contravenes its provisions. * * * If a contract conflicts with the general policy and spirit of a statute governing it, it will not be enforced, although there may be no literal conflict."

We are therefore of opinion that the contract set up in the second paragraph of the answer is in contravention of the statute, and hence, by force thereof, the contract so set up is null and void; and, that being so, said answer was bad, and the circuit court did not err in sustaining the demurrer thereto for want of sufficient facts. The judgment is affirmed.

DREDGERS SUBJECT TO LIENS OF EMPLOYEES FOR WAGES, ETC.—*McRae v. Bowers Dredging Co.*, 86 *Federal Reporter*, page 314.—Upon petition of one McRae, heard in the United States circuit court for the district of Washington, the property and business of the above-named dredging company was placed in the hands of a receiver. Part of said property consisted of the dredgers *Anaconda* and *Python*, vessels designed to operate afloat and to navigate from place to place where their services were required in dredging and deepening rivers, harbors, and waterways. Certain parties, having been employed on said dredgers and having claims for wages, etc., against the dredging company, intervened in the case, claiming liens against the dredging vessels. Their right to such liens was disputed on several grounds, but was sustained by the circuit court in its decision which was rendered March 31, 1898.

The opinion of said court was delivered by District Judge Hanford, and the following is quoted therefrom:

The main question in the case is whether the dredgers are vessels subject to admiralty process, whether the work which they were doing was a maritime service, whether the contracts under which they were supplied and kept in repair are maritime, and whether their crews have maritime liens for their wages.

A dredging vessel, designed to facilitate navigation, by going from place to place, to be used in deepening harbors and channels, and removing obstructions from navigable rivers, and to bear afloat heavy machinery and appliances for use in that class of work, may commit, or be injured by a marine tort, and she may become subject to a maritime lien for salvage. She has mobility, and her element is the water. She can be used afloat, and not otherwise. She has carrying capacity, and her employment has direct reference to commerce and navigation. I perceive no reason for exempting such a vessel from the liabilities arising from nonpayment of the wages of her crew, or from such unfulfilled contracts as would subject other vessels to liens enforceable by a court of admiralty.

I find no difficulty in pronouncing in favor of the engineers, firemen, deck hands, and captains who worked on board the dredgers. They have maritime liens for the balances due to them for wages. The captains were not clothed with the authority of masters, but were simply foremen in charge of the working crews. Therefore the rule that the master of a vessel has no lien for wages does not apply to them. Those who worked as general mechanics in keeping the machinery in repair, and the pipemen, who attended to laying, connecting, and moving the lines of pipe, and those who performed necessary labor upon and about the filled area, are also entitled to liens. Their services were required in prosecution of the enterprise in which the vessels were employed. The right to claim a lien for wages under the general maritime law is not restricted to favor only mariners who serve the ship with peculiar nautical skill, but extends to all whose services are in furtherance of the main object of the enterprise in which the ship is engaged.

The claims to liens for wages and for supplies and repairs are founded, not only upon the general maritime law, but also upon a statute in force in this State (Washington), which provides that:

"All steamers, vessels and boats, their tackle, apparel and furniture, are liable: (1) For services rendered on board at the request of or on contract with their respective owners, masters, agents, or consignees. (2) For supplies furnished in this State for their use at the request of their respective owners, masters, agents, or consignees. (3) For work done or material furnished in this State, for their construction, repair, or equipment, at the request of their respective owners, masters, agents, consignees, contractors, subcontractors, or other person or persons having charge in whole or in part of their construction, alteration, repair, or equipment."—(2 Ballinger's Codes and St., Wash., § 5953.)

The power of the legislature to create a lien upon a vessel owned by a nonresident of this State is denied, and a number of decisions have been cited to the effect that the maritime law is not subject to amendment or change either by Congress or the legislature of any State. It is well established, however, by repeated decisions of the Supreme Court, that the State legislatures can create liens upon ships and vessels, and that such liens, when given to secure debts or liabilities cognizable in a court of admiralty, may be enforced by the process of a

court of admiralty. In the matter of liens upon vessels, it is not ownership within the State which renders the vessel subject to the statute, but the fact of the transaction being within the State. There would be no reason or justice in exempting vessels owned by nonresidents, when employed within this State, from liabilities and burdens imposed upon vessels having resident owners; and there is no provision of the Constitution limiting the power of the legislature of a State which can possibly be so construed as to make such exemption of foreign vessels necessary.

EMPLOYERS' LIABILITY—ASSUMPTION OF RISK BY EMPLOYEE—*Island Coal Co. v. Greenwood*, 50 *Northeastern Reporter*, page 36.—Judgment was rendered in favor of John A. Greenwood in the circuit court of Sullivan County, Ind., in a suit brought by him to recover damages from the Island Coal Company for injuries incurred by him while in its employ. The coal company appealed the case to the supreme court of the State, which rendered its decision April 21, 1898, reversing the judgment of the lower court and ordering a new trial. The facts in the case were substantially as follows: A room in a coal mine was inspected by the mine boss, who found coal adhering to the roof, and all of it that was loose was taken down by his orders; said inspection was made in accordance with the provisions of section 7472 of the Revised Statutes of Indiana of 1894, which reads as follows:

The mining boss shall visit and examine every working place in the mine at least every alternate day while the miners of such place are or should be at work, and shall examine and see that each and every working place is properly secured by props or timber, and that safety in all respects is assured, and, when found unsafe, he shall order and direct that no person shall be permitted in an unsafe place, unless it be for the purpose of making it safe. He shall see that a sufficient supply of props, caps, and timber are always on hand at the miners' working places. He shall see, also, that all loose coal, slate, and rock overhead wherein miners have to travel to and from their work are carefully secured.

Shortly after the mine boss had left the room Greenwood, who with an assistant was operating a cutting machine, brought said machine into the room. They both saw coal adhering to the roof and both sounded it by striking it with a pick and a handle of a shovel and found it apparently firm; that they then went to work, and after working about one and one-half hours the coal fell on them and injured Greenwood; that Greenwood was an experienced miner and knew that coal so adhering to the roof was liable to fall.

The opinion of the supreme court was delivered by Chief Justice Howard, who, after stating the facts in the case at length, uses the following language:

It is not contended that these facts show contributory negligence on the part of appellee [Greenwood]; but counsel for appellant [Island Coal Company] do contend that the facts so found show that appellee

assumed all risk of danger from the falling of the top coal. Counsel for appellee, on the other hand, contend that the danger was not obvious, but concealed or latent, and that as to such danger there is no assumption of risk. It is true that the danger was concealed, but it was concealed from appellant as well as from appellee. And while the duty of inspection rested upon the company, and it was required to furnish a reasonably safe place for its employees to work, yet we think the facts show that the duty so resting upon appellant was performed as fully as was reasonably possible. It is to be remembered that the defect in the roof was not in the passageways of the mine, but in the very place where appellee was at work, and of which he had a fuller and more complete knowledge than appellant could have. The cause of danger was in the immediate presence of appellee, and had been thoroughly tested by him and his assistant, and, on such test was found by them to be, as they believed, perfectly safe. They often found such top coal adhering to the roof when they entered a room to work, and were in the habit of testing it, as they did on this occasion. The jury found that there is always more or less danger of such coal falling, and that no one can tell by any examination when it will fall. It was also found that such dangers often occur and the top coal is removed between the visits of the mine boss, and without his suggestion. No doubt, as to permanent openings through which persons pass and repass in the mine, it is the duty of the mine owner, made so by the common law as well as the statute, to see that the mine is safe from all dangers that may be avoided by removing or propping up loose places in the roof. And while the statute (section 12 of the act approved March 2, 1891 [Acts 1891, p. 57; Rev. St. 1894, § 7472]) makes it also the duty of the mining boss to visit and examine every working place in the mine at least every alternate day, and see that the same is properly secured by props or timber, and that safety in all respects is assured, yet these requirements must be taken in a reasonable sense. It can not be intended that props shall be set up at the very place where the machine men are at work. The men must have room to use their machines and tools and to engage in the actual work before them. Indeed, the fact that the mine boss is not required to be present oftener than every alternate day shows that these props are not to be set up before the workmen have cleared a place for them. It is found that rooms are often shot, cleaned up by the loaders, and again entered by the machine men between the regular visits of the mine boss.

The jury here find that both appellant and appellee knew that a part of the top coal was left adhering to the roof of the place where appellee began work. Appellee found the coal, as he and his assistant believed, to be so fast to the roof as "to be absolutely safe and free from danger." In this it turned out that they were mistaken, whether the defect then existed or was brought about by causes arising after appellee and his assistant had begun their work. Having equal or better opportunities than appellant for knowing the danger threatening him, it would seem that appellee could have no right of action. Were it not for the provisions of the statute above cited, and the failure of the jury to find whether the overhanging coal could be propped or timbered without undue interference with the work, the case would hardly admit of doubt. We are of opinion, however, from a consideration of the whole case as presented, that justice will best be promoted by granting a new trial, rather than by ordering judgment on the answers to interrogatories.

EMPLOYERS' LIABILITY—MASTER'S DUTY TO WARN EMPLOYEES OF DANGER, ETC.—*James v. Rapides Lumber Co., Limited*, 23 *Southern Reporter*, page 469.—Judgment was rendered for the plaintiff, Joseph D. James, in the judicial district court of the parish of Rapides, La., in a suit brought by him against the above named lumber company to recover damages for the use of his minor son, Paul A. O. James, for injuries sustained while an employee of said company. The defendant company appealed the case to the supreme court of the State, which rendered its decision March 7, 1898, and while modifying yet practically affirmed the judgment of the lower court. The evidence showed that said minor was suddenly and on the spur of the moment called upon by the foreman of the sawmill to go to work on a dangerous machine known as an "edger;" that he had no previous knowledge or experience of said machine, and that the foreman gave him no instructions or explanation of the machine or the risk and hazard of its use; that upon going to work upon the "edger," and upon taking hold of the first piece of lumber from it, his left hand was cut off at the wrist. The plaintiff claimed damages for this injury, and also asked that an amount of \$1,000 accident insurance, for which the company had insured the employee, be decreed to be paid to him. The policies were issued to and made payable to the company, and the sum of 75 cents per month was exacted from the employee and deducted from his wages to pay the premiums on them. The plaintiff claimed that because the employee had really paid the premiums on the policies that he, and not the company, was entitled to the insurance money. The supreme court decided that plaintiff was entitled to damages both under the provisions of articles 2315, 2317, and 2320 of the Revised Civil Code, and under the construction of the general law on master and servant. The articles of the Civil Code, above referred to, read as follows:

ARTICLE 2315. Every act whatever of man that causes damages to another obliges him by whose fault it happened to repair it; * * *

ART. 2317. We are responsible, not only for the damage occasioned by our own act, but for that which is caused by the act of persons for whom we are answerable, * * *

ART. 2320. Masters and employers are answerable for the damage occasioned by their servants and overseers, in the exercise of the functions in which they are employed. * * * In the above cases, responsibility only attaches when the masters or employers * * * might have prevented the act which caused the damage and have not done it.

The opinion of the supreme court was delivered by Judge Watkins, and the following language was used therein:

That the employment to which young James was assigned was dangerous, we make no doubt. We think the dangerous character of the trimmer saw ["edger"] is made clear by the testimony, and is made apparent by the photographs. To our thinking, the mere recital—even as it is related in the defendant's answer—of the occurrence discloses a *prima facie* case of negligence on the part of the defendant. The

proof discloses a total want of knowledge on the part of young James of the situation and of the duties he was expected to perform, and of which he was vouchsafed not a word of information or instruction by the defendant's foreman. Suddenly called upon by the defendant's foreman to undertake the performance of a delicate and important duty in a sawmill in full operation, and supply the place of a sick man who had been engaged thereat for about two years, without warning or precaution, young James was unwittingly cast into the teeth of a small saw, which cut his left hand off within twenty seconds after he had assumed its performance. In our opinion his right to recover damages of the defendant is very clear, under the provisions of the Code (Rev. Civ. Code, arts. 2315, 2317, 2320), and likewise under the construction of the general law applicable to master and servant.

Under all authorities it is the recognized and bounden duty of the master to provide a reasonably safe place at which his servant is to work, and to see to it that he is not exposed to unnecessary risks in the course of his employment. And in order that a dangerous service be intelligently undertaken by his servant, it is the duty of the master sufficiently to acquaint him with its risks and dangers, and give him a fair knowledge of the situation at the time of his employment. Failing in either of the foregoing particulars, the master will be held liable for whatever injury results to the servant.

With regard to the plaintiff's demand for insurance money, but little need be said. We do not think that his demand against the company is well founded, as he avers that it has not yet recovered from the insurance company; and the plaintiff could not, in any event, recover from the insurance company, because his name does not appear as a beneficiary in either one of the policies, which were written in favor of the defendant, exclusively. That the defendant had made exactions of young James monthly, from his wages, in order to keep up the premiums, can not have the effect of establishing in his favor a beneficial interest in the insurance policy. The contrary doctrine was maintained by this court in *Putnam v. Insurance Co.*, 42 La. Ann. 740, 7 South., 602.

EMPLOYERS' LIABILITY—RAILROAD COMPANIES—DEFECTIVE APPLIANCES—EFFECT OF STATUTE, ETC.—*Hesse v. Columbus, Sandusky and Hocking Railroad Co.*, 50 *Northeastern Reporter*, page 351.—Action was brought by Gertrude Hesse against the above-named railroad company, in the court of common pleas of Perry County, Ohio, to recover damages for the death of Neil Hesse, an employee of said company, and of whose estate she was the qualified administratrix. From a judgment in her favor the case was appealed to the circuit court of Perry County, which reversed the judgment of the court of common pleas. She then carried the case, on writ of error, to the supreme court of the State, which rendered its decision March 22, 1898, and sustained the decision of the circuit court. It was alleged by the plaintiff in her petition that on the 4th of January, 1896, and prior thereto, Neil Hesse was employed as a fireman on the defendant's locomotive No. 35; that said company, in violation of its duty, negligently and carelessly provided him with a defective and unsafe locomotive,

which, while being so used by him, in consequence of its weak and defective condition, and without fault on his part, exploded, whereby he was immediately killed. Said petition did not allege that Hesse was ignorant of the defective condition of the engine.

One of the reasons upon which the circuit court reversed the judgment of the court of common pleas was that "the petition does not state a cause of action." Upon this point Judge Shauck, in the opinion of the supreme court, which was delivered by him, speaks as follows:

The general rule is established in this State and elsewhere that in an action by a servant against his employer for an injury resulting from the latter's negligence in furnishing machinery or appliances, about which the servant is employed, the plaintiff must allege that he was ignorant of the defect from which the injury resulted; or that, having knowledge of such defect, he informed the employer, and continued in the service, relying upon his promise to remedy the defect. This requirement is not answered by an averment that the injury occurred without fault of the plaintiff. Acquiescence with knowledge is not synonymous with contributory negligence. One having full knowledge of defects in machinery with which he is employed may use the utmost care to avert the dangers which they threaten. The servant must be required to communicate to his employer such knowledge as he may have of defects in machinery or appliances about which he is employed, or the law will not be administered according to the reason which is its life. Fully justified by considerations of policy, the courts require of railway companies with respect to their patrons and the public the exercise of that high degree of care which is commensurate with the dangers of their operation. To the end that such care may be exacted from them, they are, with obvious propriety, charged with knowledge of such defects as are or might be discovered by the senses of their officers and employees. It is with like propriety that the communication of such knowledge is required from all with whose knowledge they are chargeable.

But the most confident contention of counsel for the plaintiff is that the act of April 2, 1890 (87 Ohio Laws, 149), releases the employee of a railroad company from this general rule. The act applies to railroad corporations only. Reliance is upon the second section of the act, which is as follows:

"SECTION 2. It shall be unlawful for any such corporation to knowingly or negligently use or operate any car or locomotive that is defective, or any car or locomotive upon which the machinery or attachments thereto belonging are in any manner defective. If the employee of any such corporation shall receive any injury by reason of any defect in any car or locomotive, or the machinery or attachments thereto belonging, * * * such corporation shall be deemed to have had knowledge of such defect before and at the time such injury is so sustained, and when the fact of such defect shall be made to appear in the trial of any action in the courts of this State brought by such employee, or his legal representatives, against any railroad corporation for damages, on account of such injuries so received, the same shall be *prima facie* evidence of negligence on the part of such corporation."

The act, by its terms, affects the rules of evidence. It does not affect the duty of the employee, nor the rules of pleading with respect to it. In the cases to which it applies it raises against the corporation a

prima facie presumption of negligence from evidence showing that the employee received an injury by reason of a defect in the car or locomotive, or the machinery or attachments thereto belonging. In *Coal Co. v. Norman* the general rule governing cases of this character is stated: "The servant, in order to recover for defects in appliances, must establish three propositions: (1) That the appliance was defective; (2) that the master had, or should have had, notice thereof; (3) that the servant did not know of the defect." The force of the statute under consideration is wholly expended in relieving the servant of the duty of establishing the second of these propositions. His duty with respect to the first and third remains wholly unaffected.

EMPLOYERS' LIABILITY—RAILROAD COMPANIES—FAILURE TO FENCE TRACK—*Terre Haute and Indianapolis Railway Co. v. Williams*, 50 *Northeastern Reporter*, page 116.—Judgment was obtained in the appellate court of the third district of Illinois in a suit brought by Cora M. Williams, administratrix of the estate of James C. Williams, deceased, to recover damages for the death of said Williams, an engineer in the employ of the above-named railway company. Said company carried the case on writ of error to the supreme court of the State, which rendered its decision April 21, 1898, and affirmed the judgment of the lower court. The court decided that a railroad company is liable for damages resulting from the death of an engineer, caused by the collision of his engine with cattle which had strayed on the track, in the absence of a fence or cattle guard required to be maintained by section 62 of chapter 114 of the revised statutes of 1891, and that while the statute was primarily intended for the benefit of the owners of live stock, it is to be presumed that the legislature intended to protect life as well as property by said law. The section above referred to reads as follows:

Every railroad corporation shall, within six months after any part is open for use, erect and thereafter maintain fences on both sides of its road or so much thereof as is open for use, suitable and sufficient to prevent cattle, horses, sheep, hogs, or other stock from getting on such railroad, except at the crossings of public roads and highways, and within such portion of cities and incorporated towns and villages as are or may be hereafter laid out and platted into lots and blocks, with gates or bars, at the farm crossings of such railroad, which farm crossings shall be constructed by such corporation when and where the same may become necessary, for the use of the proprietors of the lands adjoining such railroad; and shall also construct, where the same has not already been done, and thereafter maintain at all road crossings now existing or hereafter established, cattle guards suitable and sufficient to prevent cattle, horses, sheep, hogs, and other stock from getting on such railroad; and when such fences or cattle guards are not made as aforesaid, or when such fences or cattle guards are not kept in good repair, such railroad corporations shall be liable for all damages which may be done by the agents, engines or cars of such corporation, to such cattle, horses, sheep, hogs, or other stock thereon, and reason-

able attorney's fees in any court wherein suit is brought for such damages, or to which the same may be appealed; but when such fences and guards have been duly made and kept in good repair, such railroad corporation shall not be liable for any such damages, unless negligently or willfully done.

From the opinion of the supreme court, delivered by Judge Craig, the following, showing the facts in the case and the reasons for the decision, is quoted:

At the station of Tabor, where the accident happened, the railroad track was not fenced, and there was no cattle guard where the public highway crosses the railroad, to prevent cattle from passing upon the track. Tabor is not an incorporated town or village, and it was not laid out into lots or blocks. The place consisted of a post-office, a grain elevator, one dwelling, and several corneribs. On the night of the accident cattle strayed from an adjoining farm, and in the absence of a fence or cattle guard they passed upon the railroad track, where they were struck by the engine attached to a freight train. The engine was thrown from the track, and Williams, the engineer, killed. The theory of the plaintiff is that the failure of the railroad company to fence its track and erect a cattle guard at or near the place where the collision occurred, to prevent cattle from passing upon the track, was the direct cause of the accident and of the death of the engineer, and on account of the failure of the railroad company to discharge the duty imposed by law it is liable. On the other hand, it is claimed that the statute requiring a railroad company to fence its track and erect cattle guards was not passed for the protection of passengers or employees, but was erected solely to provide a remedy for the owner of horses, cattle, or other stock which might be killed on account of the failure of the railroad company to fence its track or erect suitable cattle guards. The statute seems to impose an absolute duty on railroad companies to erect and maintain fences along their rights of way and to construct and maintain cattle guards at road crossings, except in such portions of incorporated cities, towns, and villages as are laid out into lots and blocks. (Hurd's St., c. 114, § 62.) It is true that the statute contains a provision that if such fences or cattle guards are not made or kept in good repair such railroad corporation shall be liable for all damages which may be done by the agents, engines, or cars of such corporation, to cattle, horses, sheep, hogs, or other stock thereon; but this provision can not be held to exclude all other liability which may arise from the failure of the railroad company to fence and put in cattle guards, as required by law. It may be that the statute was primarily intended for the benefit of the owners of stock when their stock was killed on the railroad track, but at the same time the statute was doubtless intended for the benefit of all classes of persons who might need protection. The person whose business requires that he should take passage as a passenger on a train has a deeper interest in having the track protected from obstructions of every character than the owner of stock. So, also, the employee on a railroad train has a deep interest. The lives of the passenger and employee are alike at stake when the railroad is not properly protected from obstructions which are likely to be upon the track where it is not properly fenced. It is, therefore, unreasonable to suppose that the legislature would provide a law for the protection of property and make no provision whatever for the protection of life.

We are satisfied that a fair and reasonable construction of the statute required the railroad company to fence its track and construct cattle guards, and for a failure to do so it is liable to an employee who may have been injured through its failure to perform a duty thus imposed by law.

EMPLOYERS' LIABILITY—RAILROAD COMPANIES—NEGLIGENCE OF EMPLOYER—SAFETY COUPLERS—*Greenlee v. Southern Railway Co.*, 30 *Southeastern Reporter*, page 115.—This case was heard by the supreme court of North Carolina, having come before it on an appeal from the superior court of McDowell County, in said State, when judgment had been rendered in favor of the plaintiff, Stephen Greenlee, who had brought suit against the above-named railway company for damages for personal injuries incurred while in its employ. The evidence showed that the plaintiff, a laborer in the railroad yard, was injured while attempting to couple two cars, said cars not being equipped with safety or self-coupling devices.

The supreme court rendered its decision May 26, 1898, and affirmed the judgment of the lower court. Its opinion, delivered by Judge Clark, reads as follows:

In any aspect of this case the defendant is liable, whether the plaintiff was or was not guilty of contributory negligence; for the negligence of the defendant in not having self-couplers; and in not sending a man to couple cars at all was a continuing negligence which existed subsequent to the contributory negligence, if there had been any, of the plaintiff, and was the proximate cause—the *causa causans*—of the injury. Six years ago, in *Mason v. Railroad Co.*, 111 N. C., 482, at page 487, 16 S. E., 698, at page 699, the court, in considering "whether the defendant company was negligent in failing to provide what is known as the Janney, or some improved coupler which would obviate the necessity under any circumstances of going between the ends of cars in order to fasten one to another," said: "We think that the time has arrived when railroad companies should be required to attach such couplers * * * on all passenger cars, * * * and the new couplers have now become so cheap, as compared to the value of the lives and limbs of servants and passengers, that it is not unreasonable to require that they provide them on peril of answering for any damage which might have been obviated by their use." While the court declined, on account of the expense, to hold that the same was true at that time as to freight cars, it added: "Doubtless, the day will soon come" when it would be negligence not to attach them to freight as well as passenger cars. Congress so thought, and passed an act (27 Stat., 531) requiring self-couplers and air-brakes to be placed on all cars, freight as well as passenger, by January 1, 1898, and this had been complied with as to "over 60 per cent of the freight cars," besides nearly all passenger cars, operating in interstate commerce, by that date.

In *Witsell v. Railway Co.*, 120 N. C., 557, 27 S. E., 125, the above citation from *Mason v. Railroad Co.* was approved, and the court held that, while it was not negligent to fail to provide the latest improved appliances, a railroad company was liable for any injury caused by the failure to use approved appliances that are in general use. The rail-

road companies have of late procured from the Interstate Commerce Commission an extension, till January 1, 1900, of the time by which self-couplers should be placed upon all freight cars used in interstate service; but this was for their accommodation, and did not and could not relieve them from the legal liability incurred for injuries caused by their failure to provide "suitable appliances in general use" where the use of such would have prevented the injury. It only relieved them from the penalty provided in that act.

The eleventh annual report (1897) of the Interstate Commerce Commission, issued by authority of the United States Government, and based upon the reports of the railroad companies themselves, shows (page 80) that of railroad employees (leaving out passengers altogether), 1,861 were killed and 29,969 were wounded in the year ending June 30, 1896, being greater loss than in many a battle of historic importance. Of the trainmen, this report (page 130) shows that nearly 1 in 9 had been killed or wounded that year—total of over 17,000. Of these casualties, it is officially stated, 229 were killed and 8,457 were wounded in this single particular of coupling and uncoupling cars. As those figures are reported by the corporations themselves, it is not probable that they are overstated. If the railroads not reporting to the Interstate Commerce Commission (because not engaged in interstate carrying) should be added, the figures of killed and wounded from this cause would doubtless be largely increased. By these figures, for the last year reported, nearly 9,000 men had been killed and wounded in coupling and uncoupling cars. As the corporations, on their own motion or under compulsion of Congressional action and judicial decision, have adopted self-couplers on the passenger cars, and on "over 60 per cent" of the freight cars, it will be seen how many thousands of lives and bodies have been saved thereby; but that still nearly 9,000 men should in one year be killed or wounded "coupling and uncoupling" the freight cars which up to June 30, 1896, still requires that duty, for lack of self-couplers, is the highest proof of the duty of the courts to enforce liability for failure to provide self-couplers in every case where an injury occurs from that cause. That nearly 9,000 men should still be killed and wounded in one year for failure to furnish appliances which are so widely in use, and which would entirely prevent such accidents, points out the duty of the courts.

In *Whitsell's Case*, 120 N. C., at page 562, 27 S. E., at page 127, this court says: "If an appliance is such that the railroads should have it, the poverty of the company is no sufficient excuse for not having it." But in fact this defendant reports that this railroad has issued bonds and stocks for \$76,557 per mile. (N. C. R. R. Com. Report, 1896, at page 246.) This is presumed to have been paid in by its issuing the bonds and stocks, and hence it should be able to furnish appliances which will protect its employees from such injuries as this, and should be held liable for failure to do so, for the Interstate Commerce Commission report shows the self-couplers can be added for \$18 per mile. In a large majority of the States, as well as by the Federal Government, railroad commissions have been created to supervise and regulate the charges and the conduct of these corporations. The courts will be very derelict in their duty if they do not enforce justice in favor of employees as well as the public.

Six years ago this court said it would soon be negligence per se whenever an accident happened for lack of a self-coupler. Congress has enacted that self-couplers should be used. For their lack this plaintiff was injured. It is true, the defendant replies that the plaintiff remained

in its service knowing it did not have self-couplers. If that were a defense, no railroad company would ever be liable for failure to put in life-saving devices, and the need of bread would force employees to continue the annual sacrifice of thousands of men. But this is not the doctrine of "assumption of risk." That is a more reasonable doctrine, and is merely that when a particular machine is defective or injured, and the employee knowing it continues to use it, he assumes the risk. That doctrine has no application where the law requires the adoption of new devices to save life or limb (as self-couplers), and the employee, either ignorant of that fact, or expecting daily compliance with the law, continues in service with the appliances formerly in use. The defendant, after notice of six years from this court, and with notice of the act of Congress, and also from the general adoption of self-couplers, that it should use them, was guilty of negligence in failing to do so. The injury to the plaintiff could not have occurred save for the failure of the defendant to comply with its duty in this regard, and the court below should have held it liable to the plaintiff upon the defendant's own evidence.

EMPLOYERS' LIABILITY—RIGHT OF ACTION BY ADMINISTRATOR FOR DEATH OF COAL MINER UNDER THE STATUTE—CONTRIBUTORY NEGLIGENCE AND ASSUMPTION OF RISK—*Boyd v. Brazil Block Coal Co.*, 50 *Northeastern Reporter*, page 368.—This action was prosecuted by John Boyd, as administrator of the estate of John W. Elliott, deceased, against the above-named coal company, by which Elliott was employed as a coal miner at the time he received injuries which resulted in his death. The cause of his injuries was alleged to be the violation by the company of the provisions of sections 7466 and 7472 of Burns' Revised Statutes of Indiana of 1894, and the action was brought under section 7473 of said statutes. Said sections read as follows:

SECTION 7466. The owner, operator, agent or lessee of any coal mine in this State shall keep a sufficient supply of timber at the mine, and the owner, operator, agent or lessee shall deliver all props, caps and timbers (of proper length) to the rooms of the workmen when needed and required, so that the workmen may at all times be able to properly secure the workings from caving in. And all persons operating coal mines in this State shall be required to place a blackboard, sufficiently large, with the number thereon, of every workman employed in said mine, at the most convenient place near the mine entrance; said board to be known as the timber board, to be used by the miners for registering thereon such timber for securing their working places as may be required from day to day.

SEC. 7472. The mining boss shall visit and examine every working place in the mine at least every alternate day while the miners of such place are or should be at work, and shall examine and see that each and every working place is properly secured by props or timber, and that safety in all respects is assured, and, when found unsafe, he shall order and direct that no person shall be permitted in an unsafe place, unless it be for the purpose of making it safe. He shall see that a sufficient supply of props, caps, and timber are always on hand at the miners' working places. He shall see, also, that all loose coal, slate, and

rock overhead wherein miners have to travel to and from their work are carefully secured.

SEC. 7473. For any injury to person or persons or property occasioned by any violation of this act, or any willful failure to comply with any of its provisions, a right of action against the owner, operator, agent or lessee shall accrue to the party injured for the direct injury sustained thereby, and in case of loss of life by reason of such violation, a right of action shall accrue to widow, children, or adopted children, or to the parents or parent, or to any other person or persons who were before such loss of life dependent for support on the person or persons so killed, for like recovery for damages for the injury sustained by reason of such loss of life or lives.

At a hearing of the case in the circuit court of Clay County, Ind., the defendant company demurred to each paragraph of the plaintiff's complaint, the demurrer was sustained, and judgment was rendered for the defendant. The plaintiff, Boyd, then appealed the case to the appellate court of the State, which rendered its decision April 28, 1898, and affirmed the judgment of the lower court.

In its opinion, which was delivered by Judge Comstock, the court used the following language:

The first question to be determined in this appeal is whether, under the statute, the personal representative of the deceased has any right of action. Counsel for appellee [the coal company] insist that he has not, and for that reason, if for no other, the demurrer was by the lower court properly sustained to each paragraph of the complaint. The question is properly raised by the demurrer for want of facts. Under our statute [sec. 7473], unless otherwise provided, all suits must be brought in the name of the real party in interest. The estate of the deceased can have no interest in the provision made by the statute. It is not a claim due the estate. The right of action is given to the widow, and it is not vested in any other than the beneficiaries therein named. When a new right or proceeding is created by statute, and a mode prescribed for enforcing it, that mode must be pursued to the exclusion of all others. We think the right of action is limited to the beneficiaries named in the act, and for this reason the judgment of the lower court must be affirmed.

The failure of appellee to comply with either section 7466 or section 7472 was negligence per se. The mining boss, under these statutes, is charged with a duty owing by the master of securing the servant a safe place in which to work, and is for that reason a vice principal standing in the relation of master. His negligence is the negligence of the master. Each of these paragraphs [of the plaintiff's complaint] charges an omission of duty contributing negligence upon the part of appellee; that the death of Elliott resulted, therefore, without any fault on his part. We understand the learned counsel for appellee to concede in his brief that these paragraphs sufficiently charge negligence upon the part of appellee, but that the rules of pleading require that they should go further, and aver that the servant was free from fault contributing to his injury, and that he did not assume the risk, i. e., that he was ignorant of the danger, and that the master had knowledge of it, or, in other words, that the case made must be of unmingled negligence on the one hand and freedom from contributory negligence on the other.

Appellee's counsel contend that the decedent knew that the roof was unsupported; that the business of mining coal is one of great peril;

that the usual risks of the work are assumed by the miner; that the employer is not an insurer of the safety of his employees; he is liable when he neglects a duty by reason of which injury results, but not if the injury was occasioned by a defect in the working place which was as well known to the employee as to the employer, or when the defect is apparent, or when the risk is assumed; that in the case at bar death of the employee was occasioned by the falling in of the roof; that the roof was under the immediate supervision of the miner; he knew there were no props; that the law requires the master to keep on hand a supply of props and deliver them at the working place of the miner when he demands them; if the master neglects to do this, the miner knows of such neglect, and if, in the presence of an obvious defect, he voluntarily continues in the service without any promises on the part of the master to remedy the defect, he assumes the risk; that neither paragraph charges that the master promised to furnish props; that the miner voluntarily assumed a known danger. The common-law rule that the servant assumes the risks incident to obvious danger is based upon the legal maxim, "*Volenti non fit injuria*." The law holds that when a servant knows of the danger incident to a particular calling he has taken such danger into consideration in fixing his compensation. This is true as to all dangers that are ordinarily incident to a particular calling, but it is not true in all cases of known danger which are not ordinarily incident to the business in which he is employed. The risks a servant assumes on entering upon the employment of a miner are those only which occur after the due performance of the employer of those duties which the law imposes upon him. We believe, however, that the maxim, "*Volenti non fit injuria*," or the doctrine of the assumption of risk, does not apply to a breach of a statutory duty imposed on the master; and the continuing of the servant in the employ of the master with knowledge of such a breach of such duty will not prevent recovery for an injury suffered by reason of such breach.

We believe it was not intended that any neglect, however slight, upon the part of the laborer, contributing to his injury, should exempt the employer from liability growing out of the willful omission of a duty imposed by law. The employer may cease to operate his mine, or he may, without hardship, comply with the statutory requirements; but to the laborer cessation from work may mean the want of necessities of life by those dependent upon him for support. Conditions which require the miner to continue to labor when, by inadvertence, he may receive injury, should not exempt his employer from the consequences of his willful violation of the law.

MECHANICS' LIENS—CONSTRUCTION OF STATUTE—"LABOREES" AND "EMPLOYEES"—*Malcomson v. Wappoo Mills*, 86 *Federal Reporter*, page 192.—In this case, which was heard in the United States circuit court for the district of South Carolina, one of the questions raised was the interpretation of act No. 316 of the acts of 1897 of South Carolina, entitled "An act to provide for laborer's lien." (22 S. C. Statutes at Large, 502.) The first section of the act reads as follows:

From and after the passage and approval of this act all employees in fories, mines, mills, distilleries, and all and every kind of manufac-

turing establishments in this State shall have a lien upon all the output of the factory, mine, mill, distillery, or other manufacturing establishments in which they may be employed, either by the day or month, whether the contract be in writing or not, to the extent of such salary or wages as may be due and owing to them under the terms of their contract with their employer, such lien to take precedence over any and all other liens, except the lien for municipal, State, and county taxes.

The decision of the circuit court was rendered March 21, 1898, and, upon the point mentioned above, the opinion of said court, which was delivered by Circuit Judge Simonton, reads as follows:

The laborers and employees claim the lien for wages secured under the act of assembly of South Carolina of 1897. (22 St. at Large, 502.) There is no question that all who come within this term, "laborers," are by the express language of the act entitled to a lien for the wages due. These are from the 1st to 15th of October—one half month. This is not denied. But it appears that in the list is the name of Mr. Lawton, who was the superintendent of the mining operations, and of Mr. Titsell, who was assistant in the office as bookkeeper. Are they within the protection of the act? What was the intent of this act? The constitution of the State of South Carolina has rendered unnecessary much of the research formerly needed in order to discover the intent of a statute. The State constitution gives a key to the statute, and that is its title. "Every act or resolution having the force of law shall relate to but one subject, and that shall be expressed in its title." (Art. 3, § 17.) We look, then, to the title of the act, and the enactment must express the same purpose as the title, or the act is void. The title of this act is, "An act to provide for laborer's lien." The body of the act gives to all employees in factories, mines, and so forth, a lien, whether they be employed either by the day or month, whether the contract be in writing or not, to the extent of the salary or wages that may be due. The word "laborer" does not appear in the body of the act. To sustain the act, and that is a primary law of interpretation ("Ut res magis valeat quam pereat"), the word "laborers" must be synonymous with the word "employees;" and, as the word "laborers" is used in the title, the word "employees," used in the body of the act, must be so restricted as to mean such employees as are laborers. This being so, neither the superintendent nor the bookkeeper comes within this term.

DECISIONS UNDER COMMON LAW.

EMPLOYEES' CLAIM FOR DAMAGES—COMPROMISE AND SETTLEMENT—CONSTRUCTION—*Phares v. Lake Shore and Michigan Southern Railway Co.*, 50 *Northeastern Reporter*, page 306.—This action, brought by William H. Phares against the above named railway company, was heard in the circuit court of Elkhart County, Ind., and a judgment was rendered in favor of the company and the plaintiff's right to damages was denied. Phares appealed the case to the appellate court of the State, which rendered its decision April 26, 1898, and affirmed the judgment of the lower court.

The facts of the case are sufficiently stated in the opinion of the appellate court, which was delivered by Judge Black, and reads in part as follows:

The court rendered judgment for the defendant upon a special verdict in an action brought by the appellant against the appellee. The controlling facts of the lengthy special verdict were as follows: The railroad company had two classes of freight brakemen, one called "regular" freight brakemen and the other "extra" freight brakemen. The appellant entered the service of the appellee on the 6th day of September, 1892, and during all the time of his service was an extra freight brakeman. He suffered a personal injury while in such service on the 29th of October, 1892. On the 25th of March, 1893, the appellant signed a writing, referred to in the special verdict as a proposition, and as a written option, and as an offer of compromise, as follows:

"Elkhart, Indiana, March 25th, 1893. For and in consideration of the sum of one dollar to me in hand this day paid by the Lake Shore and Michigan Southern Railway Company, I hereby stipulate and agree to and with the same company that I will accept from it the sum of three hundred dollars, and, further, that I am to remain in the service of said company as brakeman as long as I want to, providing my work shall prove satisfactory to said company, as full settlement and satisfaction of all claims and demands of every kind, nature, and description which I have or may be entitled to have against said company by reason of personal injuries sustained by me while a freight brakeman of said company at or near Dune Park station, in the State of Indiana, on the 29th day of October, 1892; and in consideration thereof to execute and deliver to said company a full, perfect, and complete release and satisfaction, provided the same is paid to me within forty-five days from the date hereof. W. H. Phares. [Seal.] Witnesses: C. A. Theis. C. C. Needham."

"Elkhart, Indiana, March 25th, 1893. I, the aforesaid W. H. Phares, do hereby acknowledge receipt from the Lake Shore and Michigan Southern Railway Company, by the hands of C. C. Needham, its agent, the said sum of one dollar mentioned in the above agreement. W. H. Phares. Witnesses: C. A. Theis, C. C. Needham."

On the 10th day of May, 1893, the appellant signed a writing as follows:

"Form No. 1284. Whereas on the 29th day of October, A. D. 1892, the undersigned, while in the employ of the Lake Shore and Michigan Southern Railway Company as freight brakeman, received certain injuries as follows, to wit: While uncoupling engine had his left hand caught between pin and end sill of car C. L. & W., 3718, one finger amputated, and another bruised, while in the discharge of his duties, at or near Dune Park Station, in the State of Indiana; and whereas I, the said William H. Phares, believe that my said injuries are the result of the negligence of said railway company, its officers, agents, and employees; and whereas the said railway company denies any and all negligence on the part of itself, its officers, agents, and employees, and denies any and all liability to me for damages for the injuries so as aforesaid by me sustained, but by reason of an offer of compromise made by me the said L. S. and M. S. Ry. Co., for the purpose of avoiding litigation, to receive and accept the sum of three hundred dollars in full accord and satisfaction for all claims for damages which I may *might* have for the injuries aforesaid, have paid to me the sum of *three* hundred dollars, and agree to reemploy me as a freight brakeman

for such time only as may be satisfactory to said company. Now, therefore, in consideration of the premises, and the payment to me of the aforesaid sum of three hundred dollars, the receipt whereof I do hereby acknowledge, I do hereby release and forever discharge the said Lake Shore and Michigan Southern Railway Company and all other parties in interest of and from all actions, suits, claims, and demands for or on account of or arising from the injuries so as aforesaid received, and every and all results hereafter arising therefrom. Witness my hand and seal, at Elkhart, Indiana, this 10th day of May, A. D. 1893. William H. Phares. [Seal.] Signed, sealed, and delivered in presence of C. C. Needham, J. W. Gainard."

"Lake Shore and Michigan Southern Railway Company to William H. Phares, Dr. Issued April 28, 1893, "A. B. Newell, Chicago, Ill. For settlement in full of all claims and demands to date, especially for personal injuries sustained at Dune Park, Indiana, October 29th, 1892, as per attached form G. S. 1234, \$300.00.

"Received, Elkhart, May 10th, 1893, of the Lake Shore and Michigan Southern Ry. Co., three hundred dollars, in full of the above account. \$300.00. William H. Phares.

"Correct: W. H. Cahniff, gen. sup't.

"Audited: C. P. Lehand, auditor.

"Approved: P. P. Wright, ass't gen'l manager."

On the 25th of March, 1893, and during the whole of that month, and on the 10th day of May, 1893, and during the whole of that month, the appellant was employed by the appellee as an extra freight brakeman; and from the time of his first employment down to the 26th of June, 1894, whenever he was called upon to do work, he was put upon the appellee's pay roll of extra freight brakemen, and he received pay as such. At the date last mentioned the appellee put in force a seniority list of all brakemen, whereby those in the appellee's service for the shortest time were put upon the list of extra freight brakemen, and the youngest of the extra freight brakemen in the service, to the number of 10, were temporarily laid off until business should revive. From that date to the commencement of this action the appellant's name was kept upon the list of the extra freight brakemen who were so laid off, to be called into service as extra freight brakemen, according to their seniority of service, whenever business should revive so as to give them active employment.

While the proposition for compromise given by the appellant to the claim agent on the 25th of March, 1893, contained a stipulation on the part of the appellant that "I am to remain in the service of said company as brakeman as long as I want to, providing my work shall prove satisfactory to said company," the written instrument containing the release sent by the appellee through the claim agent in response to the appellant's proposition, and containing a reference thereto, to be signed by the appellant, and by him signed, bearing date May 10th, 1893, did not contain such a stipulation or provision, but, instead of it, provided that the appellee agreed "to reemploy me as a freight brakeman for such time only as may be satisfactory to said company." The claim agent agreed with the appellant that the contract releasing the appellee should contain such a provision concerning the employment of the appellant as that contained in the appellant's proposition; but when the release came from the general officers to the claim agent, to be signed by the appellant, and the money consideration was paid, and the release was finally executed, it did not correspond with appellant's proposition and the claim agent's promise. There is no finding of any

mistake or of fraud or fraudulent conduct, no indication that the appellant did not know the contents of the papers which he signed, dated the 10th of May, 1893, which is the date throughout the verdict referred to as the time of the acceptance of the offer of compromise by the appellee, and as the date of the settlement between the parties. The contents of this instrument of release clearly indicated to the appellant that his proposition was not accepted as to all its stipulations by the appellee, and that it would settle upon different terms as set forth in the form of release sent by the general officers. As to the final agreement of settlement, there can be no doubt that it was contained in the paper dated the 10th of May, 1893. So far as it differed from the written proposition of the appellant or the oral promise of the claim agent, the appellant must be deemed to have consented to such variance when, without fraud or imposition, which can not be presumed, he accepted the money, and attached his signature. No ground for the re-formation of the contract appears, if such had been the purpose of the action. The appellant was paid a specified sum for his services rendered after the compromise. They were all rendered in the capacity of an extra freight brakeman. It does not appear that this sum was not full payment for the services actually rendered. If he had been employed as a regular freight brakeman, he would have earned a larger sum. But the appellant had been employed only as an extra freight brakeman up to the time of his injury, and he served and was paid in that capacity after the compromise. The contract to reemploy him as a freight brakeman is properly construed by considering the nature of his previous employment, and by looking to the manner in which the parties freely treated the contract, and acted upon it, the appellant serving as an extra, and accepting pay as such. The judgment is affirmed.

EMPLOYERS' LIABILITY—ASSUMPTION OF RISK BY EMPLOYEE—DUTY OF MASTER—*Disano v. New England Steam Brick Co.*, 40 *Atlantic Reporter*, page 7.—This action was brought by Giovanni Disano against the above-named brick company in the supreme court of the State of Rhode Island to recover damages for injuries received while in the employ of said company. He alleged in his declaration that he was shoveling clay into a certain machine used in making brick when he was injured; that in front of said machine was a large opening, directly under which and inside of said opening were two rolls; that he was obliged to pass said opening in shoveling the clay; that said opening was dangerous as it was unprotected by any railing, and the floor around it was wet and slippery; that this fact, as to the dangerous condition of the opening, was known to the company; that it was the duty of said company to have protected said opening, but that the company having disregarded said duty he, the plaintiff, while performing his duty and in the exercise of due care, fell into the opening and was seriously injured. The company demurred to the declaration on the general ground that the plaintiff's own statement showed that he assumed the risk of his employment. After a hearing the court ren-

dered its decision April 7, 1898, and sustained the demurrer, rendering judgment for the brick company.

The opinion of the court, delivered by Judge Tillinghast, contains the following language:

We think the demurrer should be sustained. The danger from the opening complained of was clearly an obvious one, and was as well known to the plaintiff as to the defendant; and by voluntarily consenting to work in the place described, knowing and appreciating the danger, he must be held to have assumed the risk incident to the employment. Nor does the plaintiff allege that he had ever complained to his employer with reference to the unprotected machine in question, or made any objection to using the same in its then present condition. The case stated, then, at the most, is that of a servant voluntarily continuing in an employment involving obvious danger of personal injury, which the master might have avoided, but did not; and in such a case, in the absence of some circumstance calling for special care on the part of the master, such, for instance, as the youth, inexperience, or want of knowledge of the machine on the part of the servant, it is well settled that he takes upon himself all of the ordinary and obvious risks incident to the employment.

But the plaintiff contends that where the duties of the servant are such as to cause his attention to be diverted from the defect and danger and the defect is unnecessarily dangerous, the master may not be relieved from responsibility for the consequences caused by such defect. Just what is meant by "unnecessarily dangerous" in this connection we do not know. If the counsel means that a master is bound to furnish a place for his servant to work in, on a machine which he is to operate, which shall be as free from danger as it can be made, the contention is clearly untenable; for he is only called upon to furnish a reasonably safe place and reasonably safe appliances. If, on the other hand, counsel means that a master's duty in regard to the furnishing safe appliances for his servants is a relative one, that is, that where a very dangerous machine is to be operated he should take greater care to protect the servant from injury than where the machine is comparatively free from danger, then we agree with the contention. But, whether a machine is so constructed or located as to be unnecessarily dangerous or not, the law of assumed risk would ordinarily be the same, provided the actual danger was fully known to and appreciated by the servant.

EMPLOYERS' LIABILITY—DUTIES OF THE EMPLOYER—NEGLIGENCE, ETC.—*Murphy v. Hughes et al.*, 40 *Atlantic Reporter*, page 187.—Action heard in the superior court at Newcastle, State of Delaware. This was a jury trial, and the charge of Judge Pennewill, from which the quotation below is taken, not only clearly states the law of the State applicable to the case, but sufficiently shows the facts therein:

In this case the plaintiff, Nicholas Murphy, seeks to recover from Eugene Hughes, Charles Hughes, and Anson Bangs, trading as Hughes Bros. & Bangs, the defendants, damages for personal injuries sustained

by him in April, 1897, and which he alleges were caused by the negligence of the defendants. The plaintiff charges among other things, that the defendants were negligent in the employment of an incompetent servant as engineer, and that, by reason of such incompetency, he (the said plaintiff), who was at the time acting as an employee or servant of the defendants, was injured as alleged in his declaration. The defendants contend that they were not guilty of any negligence; that they exercised all reasonable and proper care; and that the accident was caused by the contributory negligence of the plaintiff; thus denying all liability whatsoever for the injury to the plaintiff.

With the facts in the case, gentlemen, the court have nothing to do, for of them you are the sole judges. The evidence is for your consideration and determination, after applying thereto the law as the court shall declare it to you.

Negligence has been defined to be the want of ordinary care; that is, the want of such care as a reasonably prudent and careful man would exercise under the circumstances. What constitutes negligence is a question of law for the court, but whether negligence in fact exists is a question of fact for your determination from the testimony in the case.

It is a rule of law that, when a servant enters into the employ of another, he assumes the risks ordinarily incident to the business, and is presumed to have contracted with reference to all the hazards and risks incident to the employment; that the employer is not bound to employ the latest or best machinery, but only to see that what he does employ is safe and suitable; and also that he is not the guarantor of their safety or sufficiency. Yet it is unquestionably the law, and fully recognized by the courts of this State, that it is the duty of the master to exercise due care and caution in selecting competent and trustworthy coworkers, as well as to furnish his servants with reasonably safe machinery and appliances with which to work; and it is such a duty that a master can not delegate to an agent, so as to escape responsibility for the negligent acts of said agent. Such a duty the master owes to his servant; and, if the latter is injured because of the failure of the former to exercise such care, the master would be liable. This court has also held that it is the duty of the master to make and promulgate proper rules for the government of his servants and business whenever it is so large or complicated as to make his personal supervision impracticable. It is, however, always a question for the jury to determine whether such rules are sufficient for the purpose. One of the tests of such sufficiency is that they have been in force for a considerable length of time, and in such trial have accomplished the purpose sought. The presumption of law is in favor of their sufficiency on a question of negligence. What would be due care and caution on the part of the master in this regard would depend largely upon the nature of the employment for which the coworker was selected, because, the more dangerous and hazardous the employment, the greater the care and caution required on the part of the master in the selection of the person to perform it. Ordinary care would mean that degree of diligence and precaution which the exigencies of the particular service reasonably require.

It is not necessary that the master should have actual knowledge of the incompetency of the coworker he employs; it is sufficient if, by the exercise of due care and caution, he could have known it; for it is the duty of the master, so far as he is able by the exercise of due diligence to do, to employ competent servants. Knowledge of the person
ing charge of an incompetent servant, with power to discharge him,

that such servant is incompetent, is, in law, the knowledge of the employer, because the person having such charge and power is the agent of the master, and such notice to him would be regarded as notice to his principal. It is, of course, the duty of the master to discharge an incompetent servant if he obtains knowledge of his incompetency, or, by the exercise of due care and diligence, he could have obtained such knowledge. But, on the other hand, "when the master uses due diligence in the selection of capable and trustworthy servants, and furnishes them with suitable means to perform the service, he is not answerable to one of them for an injury received by him in consequence of the carelessness of another while both are engaged in the same service." (McKinney, Fel. Serv., § 9.)

While the master is bound, as we have already said, to exercise due care and diligence in behalf of his servant, including that of the selection and retention of proper and competent coemployees and reasonably safe machinery and appliances, and while the servant is entitled to assume that the master has done his duty in this regard, and is not chargeable with notice of the incompetency of his fellow-servant until he has notice thereof by information or by circumstances reasonably sufficient to give it, as was clearly laid down by the court in the case of *Parvis v. Railroad Co.*, 8 *Houst.*, 446, 17 *Atl.*, 702, "it is well settled as a principle of law that the plaintiff was also bound at the same time to use ordinary care, prudence, and diligence to avoid the accident and injury; that is to say, he is bound to use such care, prudence, and diligence as a reasonably prudent man, under the peculiar circumstances of the case, would exercise to preserve himself from being injured." This simply means that if the plaintiff himself was guilty of contributory negligence, which contributory negligence had a casual connection between the defendants' negligence and the injury, he can not recover, because the law does not permit anyone to recover damages from another for an injury if his own negligence has contributed thereto, or where, by the exercise of reasonable care, he could have avoided it.

EMPLOYERS' LIABILITY—MASTER'S DUTY TO EMPLOYEE—FELLOW-SERVANTS, ETC.—*Edward Hines Lumber Co. v. Ligas*, 50 *North-eastern Reporter*, page 225.—Judgment was rendered in the appellate court for the first district of the State of Illinois in favor of Frank Ligas, in a suit brought by him, for the use of one Leo Roeder, against the above-named lumber company to recover damages for personal injuries sustained by Roeder while in the employ of said company. The company appealed the case to the supreme court of the State, which rendered its decision April 21, 1898, and sustained the decision of the appellate court. The facts in the case were as follows: Roeder was ordered by the appellant's foreman to ascend to a scaffold built upon a pile of lumber for the purpose of handing down lumber therefrom. He climbed up on the scaffold, and while standing upon one of the boards projecting from the pile as a support to the scaffold it broke and he was precipitated to the ground and injured. The board which broke was defective by reason of a knot therein, and had been placed

as a support to the scaffold by employees of the company who erected the pile of lumber, Roeder having nothing to do with the same.

The opinion of the supreme court was delivered by Judge Magruder, and in the course of the same he uses the following language:

A master is bound to the exercise of reasonable care with reference to all the appliances of his business, and is bound to protect his servants from injury therefrom by reason of latent or unseen defects, so far as such care can do so; but the master is not an insurer to his servant against injury, and is only chargeable for damage happening to his servant from defective appliances when negligence can properly be imputed to him. The servant is bound to see for himself such risks and hazards as are patent to observation, and is bound to exercise in the discovery of risks and hazards such opportunities for observation, skill, and judgment as he possesses; but, when the danger from a defective appliance is not patent, the servant has a right to presume that the master has discharged his duty, and that the appliances of the business are reasonably safe and free from hazard. The duty of the master to exercise reasonable care that the machinery, appliances, and place to work which he supplies to the servant are reasonably safe is a personal one, and he can not, by delegating to another, absolve himself from liability for its nonperformance. Where a servant is injured by the negligence of a fellow-servant of the common master, the master is not liable. In this State, in order that one servant should be the fellow-servant of another, their duties must be such as to bring them into habitual association, so that they may exercise a mutual influence upon each other promotive of proper caution. As in very many instances, and, as regards corporations, in all cases, the master, through the instrumentality of agents, supplies to the servant machinery, tools, and appliances, and provides a place for him to work, much discussion has arisen, in cases of accidents arising from defective machinery or appliances, as to whether the agent of the master by whom such machinery or appliance was supplied was the fellow-servant of the person injured, it being insisted that if such was the case the master should not be held liable. In many instances the court, upon its discussion of the subject, has come to the conclusion that the agent supplying the machinery or appliance was not a fellow-servant of the person injured, within the rule by which the relation of fellow servants is determined.

There is a certain incongruity in holding that the duty to exercise reasonable care in providing reasonably safe appliances and machinery is a personal one, which can not be delegated, and at the same time holding that, if the failure to exercise such reasonable care was the neglect of a fellow-servant of the party injured, then the master is not liable; and it seems more correct to say that agents who are charged with the duty of supplying safe machinery and appliances are not, when so doing, in the true sense, to be regarded as fellow-servants of those who are engaged in the use of the same.

In *Wood, Master and Servant*, it is said that in an action like the present the servant, in order to recover for defects in the appliances of the business, is called upon to establish three propositions: First, that the appliance was defective; second, that the master had notice thereof, or knowledge, or ought to have had; third, that the servant did not know of the defect, and had not means of knowing equal to those of the master. In the present case the jury has found all of those propositions for appellee.

Upon an examination of the record we can not say that the jury was wrong in finding, as it did, that the defect in the board which broke was not so patent that appellee should have taken notice of it, or that, when told to make use of the same, appellee failed to exercise ordinary care by not examining the board to see if it was defective. Under the rule that the servant has a right to presume that the master has discharged his duty of exercising reasonable care to see that the appliances supplied are reasonably safe for the use to which they are to be put, the servant is not bound to look for defects which are not patent to a man of his intelligence, knowledge, and experience. We can not say that the jury was wrong in refusing to find that the opportunity of appellee for ascertaining the defect in this board was equal to that of the appellant. The board was selected by appellant, and put in its place, to be used as a part of the scaffold, by his agents, who, when they did this, were not, in so doing, fellow-servants of appellee. For the reasons stated the judgment of the appellate court is affirmed.

EMPLOYERS' LIABILITY—RAILROAD COMPANIES—FELLOW-SERVANTS—*Walker et al. v. Gillett, 52 Pacific Reporter, page 442.*—Action was brought in the district court of Johnson County, Kansas, by Fred E. Gillett against Aldace F. Walker and another, sole receivers of the Atchison, Topeka and Santa Fe Railroad Company, to recover damages for injuries received while employed as a brakeman on said railroad. Judgment was rendered for the plaintiff, Gillett, and the defendants carried the case on writ of error to the supreme court of the State, which rendered its decision March 5, 1898, and affirmed the judgment of the lower court. The plaintiff's petition stated that the plaintiff was a brakeman in the employ of the defendants on a freight train under a conductor named Deitrick, who had full charge and control of the train, and that, owing to the negligence of said conductor, he received an injury resulting in the amputation of his left leg above the knee and the crippling of his right foot. The defendants' answer stated, among other things, that the injury happened in the Territory of Oklahoma, where the common law was in full force, and that the negligence, if any, was that of a fellow-servant (the conductor), for which, under the laws of Oklahoma, the defendants were not liable. Upon this point the opinion of the supreme court, which was delivered by Judge Allen, reads as follows:

The question most discussed is whether the conductor and the plaintiff were fellow-servants, within the meaning of the common-law rule obtaining in Oklahoma, which denies the plaintiff a right of recovery for an injury resulting from the negligence of a fellow-servant. Counsel for the plaintiffs in error [the receivers] contend that the test as to who are fellow-servants is merely whether they are engaged in the same line of service for the same master; that the only difference in the employment of the conductor and the plaintiff was that the scope of that of the former was greater than that of the latter; and that the master rests under no greater liability for the negligence of the

the conductor than those of the brakeman. It must be conceded that the courts have indulged in much refinement of reasoning on the question of who are fellow-servants, and that the grounds on which many decisions have been based on either side of the question are not altogether satisfactory. The precise question in this case is whether the master is liable to a brakeman for injuries occasioned by the negligence of the conductor of the train on which he was employed, where the conductor had full charge of the movements of the train and the brakeman was acting under his orders. In the case of a railway corporation there is no personal master. The stockholders and bondholders have the property interests, but no direct management of the property. Their interests are looked after by a board of directors, which, in turn, employs general officers of greater or less authority, who have the direct and personal supervision of the operation of the property. Where the general power to manage and command is given to one, and the duty of the others is merely to execute and obey, he who directs stands in the place of the principal, and the principal must respond to those under him for his misconduct. This must be so, else it is impossible to see how at common law a railroad corporation can ever be responsible to any of its employees for the misconduct of any officer occupying a superior station in the same line of service; for all are servants, and the master is only an intangible corporate entity.

Where the injured employee and the one whose negligence occasions the injury are engaged in different branches of corporate service, it seems to be now quite generally held that the common-law rule exempting the master from liability does not apply. It may be that a mere matter of difference in the grade of service of the employees is not controlling, but, where one is under the direct and personal supervision and control of the other, it does control.

Whoever has full and unrestricted authority to direct and command is a vice principal, and for his negligence the master must respond. The conductor being the representative of the receivers in the management of the train, they must respond in damages for his negligence. The judgment is affirmed.

EMPLOYERS' LIABILITY—RAILROAD COMPANIES—IMPRACTICABLE RULES—*Holmes v. Southern Pacific Co.*, 52 *Pacific Reporter*, page 652.—Suit was brought in the superior court of the city and county of San Francisco, Cal., by Lillian Holmes, administratrix of the estate of William E. Holmes, deceased, to recover damages for the death of the decedent. The evidence showed that Holmes, while in the employ of the company above named and while engaged in the line of his duty in coupling some cars, was caught between them and crushed so as to cause his death. From a judgment for the plaintiff and an order denying a new trial the defendant company appealed to the supreme court of the State, which rendered its decision March 24, 1898, and reversed the judgment of the superior court.

Upon one point of some interest the opinion of the supreme court, which was delivered by Judge Temple, reads as follows:

Counsel have argued at considerable length the effect of a certain made by defendant, and to which the attention of the deceased

was called at the time of his employment. Rule 215, among other things, provides that "employees are enjoined before coupling cars or engines to examine and know the kind and condition of the drawhead, drawbar, link, and coupling apparatus. * * * Sufficient time is allowed and may be taken by employees in all cases to make the examination required. Coupling by hand in all cases is strictly forbidden when a stick or proper implement can be used to guide the link," etc. Upon the trial plaintiff introduced testimony to the effect that the rule had been not only habitually, but universally, disregarded; and also the following, brought out on cross-examination: "Q. Do you know anything about the use of a stick to guide the link into the drawbar?—A. They say some people use them, but I would laugh at them if I saw them using them. Q. It is used for the purpose of coupling it from between the cars and guiding the link into the place instead of using the hand?—A. You might think so, but it is utterly impossible. Q. What is it used for?—A. They can not make a coupling; they might say it in the books, or any book, but they can not do it. Q. So far as your experience is concerned?—A. Yes, or anyone else." Upon this the defendant asked the court to charge the jury, as matter of law, "that the rule was reasonable, and that employees have no right to judge of the reasonableness of the rule, but must obey it as long as they remain in the employ of the company, and the fact that the rule may be impracticable and not observed does not excuse the employee who is injured by its nonobservance from negligence. Therefore, if you believe from the evidence that if William E. Holmes had followed the rule of the company and used a stick to make the couplings he would not have been injured, then the mere fact that the rule was impracticable or not observed will not excuse the negligence of Holmes in not following the rule." The court refused this instruction, and the ruling is assigned as error. If the rule was utterly impracticable, or rendered so by the mode and conditions under which service was required, and the servant is injured because not following an impracticable rule, and can not, therefore, maintain an action for damages, then the rule is plainly not for the protection of the servant, but of the employer. It is a provision relieving the employer from the obligations imposed upon him by law, to use ordinary diligence in furnishing safe appliances with which to work and safe conditions for the performance of the service. So far as the rule has that effect, it is against public policy and void. The employer is conclusively presumed to know how the service is habitually performed. Where the usual mode is departed from, the presumption would not prevail; and to make such a rule as this of any avail, even if not otherwise objectionable, the work must be so conducted that the servant may take the precautions prescribed, otherwise it is only a provision against the liability of the employer, and not a rule designed for the protection of the servant. The court, therefore, did not err in refusing the instructions asked.

EMPLOYERS' LIABILITY—RAILROAD COMPANIES—INSPECTION OF FOREIGN CARS—ASSUMPTION OF RISK BY EMPLOYEE—*Texas and Pacific Railway Co. v. Archibald*, 18 *Supreme Court Reporter*, page 777.—This suit, commenced in a State court, was removed to the circuit court of the United States for the eastern district of Texas. The suit

was brought by Archibald, the plaintiff, to recover damages from the above-named railway company for an injury received while engaged as a switchman in its employ. The primary cause of the plaintiff's injury appeared to be the defective condition of two cars belonging to the Cotton Belt Ry. Co. The tracks of the Texas and Pacific Ry. Co. and of the Cotton Belt Ry. Co. both entered the city of Shreveport, La., where the accident occurred, and were connected. The above-mentioned cars were turned over to the Texas Pacific Ry. Co. to be filled with oil, and then to be returned to the Cotton Belt Ry. Co. On trial by a jury in the circuit court there was a verdict for Archibald, and the judgment entered by the court on said verdict was subsequently affirmed by the United States circuit court of appeals for the fifth circuit, to which the case had been carried on a writ of error. The railway company then brought the case on writ of error before the United States Supreme Court, which rendered its decision May 23, 1898, and affirmed the judgments of the lower courts.

From the opinion of the Supreme Court, which was delivered by Mr. Justice White, the following is quoted:

That it was the duty of the railway company to use reasonable care to see that the cars employed on its road were in good order and fit for the purposes for which they were intended, and that its employees had a right to rely upon this being the case, is too well settled to require anything but mere statement. That this duty of a railroad, as regards the cars owned by it, exists also as to cars of other railroads received by it, sometimes designated as foreign cars, is also settled. (*Railroad Co. v. Mackey*, 157 U. S., 87, 15 Sup. Ct., 491.) Said the court in that case: "Sound reason and public policy concur in sustaining the principle that a railroad company is under a legal duty not to expose its employees to dangers arising from such defects in foreign cars as may be discovered by reasonable inspection before such cars are admitted to its train." This general duty of reasonable care as to the safety of its appliances resting on the railroad, the instructions in question proposed to limit by confining its performance solely to such foreign cars as are received by a railroad "for the purpose of being hauled over its own road;" in other words, the proposition is that, where a car is received by a railroad only for the purpose of being locally handled, the railway, as to such local business, is dispensed from all duty of looking after the condition of the cars by it used, and may, with complete legal impunity, submit its employees to the risk arising from its neglect of duty. To this length the proposition plainly goes, as is shown by its context, and is additionally illustrated by the argument at bar.

The argument wants foundation in reason, and is unsupported by any authority in reason, because, as the duty of the company to use reasonable diligence to furnish safe appliances is ever present, and applies to its entire business, it is beyond reason to attempt by a purely arbitrary distinction to take a particular part of the business of the company out of the operation of the general rule, and thereby to exempt it, as to the business so separated, from any obligation to observe reasonable precautions to furnish appliances which are in good condition. Indeed, the argument by which the proposition is supported is self-*destructive*, since it admits the general duty of the employer just stated, and affords no reason whatever for the distinction by which it is sought

to take the case in hand out of its operation. The contention is without support of authority, since the cases cited to sustain it are directly to the contrary.

The theory upon which in the argument at bar it is claimed that the cases cited overthrow the very doctrine which in truth they announce is based upon the use of the words in the Mackey Case, "admitted into its train." Taking this as a premise, it is said the duty of a railroad to exercise reasonable diligence to furnish safe appliances exists only as to cars "admitted into its train"—that is, cars which it receives and transports in one of its trains—and does not obtain as to cars which it receives and handles in its yards for local purposes only. It is obvious from a mere casual reading of both the Mackey Case and the New York cases relied upon that the duty on the part of the railroad which they inculcate applies to all cars used by the road in its business.

The elementary rule is that it is the duty of the employer to furnish appliances free from defects discoverable by the exercise of ordinary care, and that the employee has a right to rely upon this duty being performed; and that while, in entering the employment, he assumes the ordinary risks incident to the business, he does not assume the risk arising from the neglect of the employer to perform the positive duty owing to the employee with respect to appliances furnished. An exception to this general rule is well established, which holds that, where an employee receives for use a defective appliance, and with knowledge of the defect continues to use it without notice to the employer, he can not recover for an injury resulting from the defective appliance thus voluntarily and negligently used. But no reason can be found for, and no authority exists, supporting the contention that an employee, either from his knowledge of the employer's methods of business or from a failure to use ordinary care to ascertain such methods, subjects himself to the risks of appliances being furnished which contain defects that might have been discovered by reasonable inspection. The employer, on the one hand, may rely on the fact that his employee assumes the risks usually incident to the employment. The employee, on the other, has the right to rest on the assumption that appliances furnished are free from defects discoverable by proper inspection, and is not submitted to the danger of using appliances containing such defects because of his knowledge of the general methods adopted by the employer in carrying on his business, or because by ordinary care he might have known of the methods, and inferred therefrom that danger of unsafe appliances might arise. The employee is not compelled to pass judgment on the employer's methods of business, or to conclude as to their adequacy. He has a right to assume that the employer will use reasonable care to make the appliances safe, and to deal with those furnished relying on that fact, subject, of course, to the exception which we have already stated, by which, where an appliance is furnished an employee, in which there exists a defect known to him, or plainly observable by him, he can not recover for an injury caused by such defective appliance, if, with the knowledge above stated, he negligently continues to use it. In assuming the risks of the particular service in which he engages, the employee may legally assume that the employer, by whatever rule he elects to conduct his business, will fulfill his legal duty by making reasonable efforts to furnish appliances reasonably safe for the purposes for which they are intended; and, while this does not justify an employee in using an appliance which he knows to be defective, or relieve him from observing patent defects therein, it obviously does not

compel him to know or investigate the employer's modes of business under the penalty, if he does not do so, of taking the risk of the employer's fault in furnishing him unsafe appliances.

EMPLOYERS' LIABILITY—VICE PRINCIPALS—*Prevost v. Citizens' Ice and Refrigerating Co., 40 Atlantic Reporter, page 88.*—Suit was brought in the court of common pleas of Philadelphia County, Pa., by John J. Prevost against the above-named company to recover damages for injuries received while in its employ. Judgment was rendered for him, and the defendant company appealed the case to the supreme court of the State, which rendered its decision May 2, 1898, and reversed the judgment of the lower court.

The opinion of the supreme court, delivered by Judge Mitchell, shows the facts in the case and the reasons for the decision, and reads as follows:

A vice principal for whose negligence an employer will be liable to other employees must be either—First, one in whom the employer has placed the entire charge of the business, or of a distinct branch of it, giving him not mere authority to superintend certain work or certain workmen but control of the business, and exercising no discretion or oversight of his own; or, secondly, one to whom he delegates a duty of his own which is a direct, personal, and absolute obligation, from which nothing but performance can relieve him.

In the present case the uniform testimony was that the fall of the pipes that injured the plaintiff was caused by the manner of removing the ice from them, and the judge submitted to the jury to find whether the manner was adopted by the workman who did it, on his own judgment, or whether he did it "by direction of some of the officers of the company higher in authority." The only person to whom the evidence pointed as having given the order was Flynn, and he does not come within either branch of the definition of a vice principal. The evidence is practically undisputed that the president of the company visited the factory several times a week and exercised a general supervision over its operation. Next to him in authority was Harper, the general manager, who hired the men, including plaintiff, and "had entire charge of the business, inside and out," as one of plaintiff's witnesses expressed it. Flynn was the chief engineer, and had general charge of the engine room and the freezing department, of which he was the foreman or boss. In that capacity he gave orders to the men in that department, and as the manager, Harper, testifies, had authority to engage men for short jobs in the manager's absence. This is the whole substance of the testimony, and it does not, in any view, amount to more than that Flynn was the foreman of that room or department. A foreman is ordinarily a fellow-workman. (*McGinley v. Levering*, 152 Pa. St., 366, 25 Atl., 824.)

So far we have considered only the plaintiff's evidence. If, however, we look at the defendant's, we find that Ballingall, the president, gave the order to Flynn not only to have the ice removed from the pipes, but to do it by shutting down the brine pumps, and letting the pipes sufficiently warm to allow the ice to be removed easily. If ~~is~~ regarded this order, and directed it to be done in a different

way, the defendant would not be liable in any event. Where the employer himself assumes control and gives an express order, not only what to do, but how to do it, even a vice principal is bound to obey, and becomes, for the time being, a mere coemployee, whatever his general authority under other circumstances. And the employer is not bound to personally supervise the doing of the work. He is entitled to assume that his orders will be carried out. The evidence, therefore, whether we look at that on the part of the plaintiff or at the whole, fails to show anything that justifies the submission to the jury of the question whether Corner, the workman who caused the accident, was acting under the orders of the defendant company or any of its officers, and, as Corner himself was admittedly a coemployee, the verdict should have been directed for the defendant. Judgment reversed.

EMPLOYERS' LIABILITY—VIOLATION OF RULES—*Card v. Wilkins et al.*, 39 *Atlantic Reporter*, page 676.—Action was brought in the supreme court of New Jersey by James Card against Alfred Wilkins and others to recover damages for personal injuries received while in the employ of the defendants. There was evidence to show that the plaintiff, a little over 12 years old, was employed in the defendants' shop in tending a machine containing two pairs of rollers armed with sharp teeth, into which it was his duty to feed twisted ropes of horse-hair; that the hair sometimes clogged the teeth and stopped the motion of the machine; that the plaintiff had been forbidden by the defendants' agent to touch the machine if it got clogged, or to attempt to remove the clogging hair until the machine was stopped; that upon the occasion of the accident he attempted to remove some hair, which threatened to clog the machine, without first stopping it, and his hand was drawn into the rollers and lacerated by its teeth. A verdict was rendered for the plaintiff, and on motion of the defendants the trial court allowed a rule to show cause why a new trial should not be ordered. After a hearing the court rendered its decision, February 21, 1898, making the rule absolute, setting aside the verdict, and ordering a new trial.

The opinion of the court was delivered by Chief Justice Magie, and the syllabus of the same, prepared by the court, reads as follows:

1. When an employer clearly and explicitly forbids his employee to do a certain act around or in connection with the machine on which the employee is working, and the employee, while violating such prohibition, and as a result of such violation, receives an injury, the employer is not liable therefor.

2. This rule applies as well to minor as to adult employees.

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EMPLOYERS' LIABILITY — VOLUNTEERS — FELLOW-SERVANTS, ETC.—*Blackman v. Thomson-Houston Electric Co. of Augusta*, 29 *Southeastern Reporter*, page 120.—Action was brought in the city court of Richmond, Ga., by Thomas Blackman, against the above-named electric company to recover damages for injuries received by him while in its employ, and, as he alleged, in consequence of its negligence. The evidence showed that he was hurt by the falling of a scaffold upon him while he was attempting, with other employees, to move an iron wheel from a wagon into the power house of the company by means of a block and tackle attached to the scaffold; that the scaffold was built under the direction and supervision of the general foreman of the company; that the fall of the scaffold was the result of the pushing of the wheel, which was done under the orders of the foreman, and which was an improper thing to do in the absence of a support to the scaffold at one end, which was not braced; that Blackman was an engineer and had been employed to run the engine at the defendant's power house and to do other work required of him and whatever the foreman told him to do; that at the time of the moving of the wheel the foreman did not have help enough to move it and ordered the plaintiff to assist in said moving; and that the foreman had the right to direct the help at the power house, and to employ and discharge the hands, and had hired the plaintiff. On the trial of the case, at the conclusion of the evidence, the court granted a nonsuit, and the plaintiff excepted and carried the case on writ of error to the supreme court of the State, which rendered its decision July 27, 1897, and reversed the decision of the lower court.

The opinion of the supreme court was delivered by Judge Atkinson, and the syllabus of the same, which was prepared by the court, reads as follows:

1. One who is employed in the capacity of engineer for an incorporated manufacturing company, but who is likewise under a duty to obey generally the orders of a person who is placed in authority over him, and who has power temporarily to withdraw him from the performance of the special duty for which he was employed, and to assign him to the performance of other and inconsistent duties, not connected with or embraced within his special employment, is not a fellow-servant with such superior; and if, while engaged in the performance of such duties which had been so assigned to him by his superior, he be injured, he can not be regarded as a mere volunteer.

2. While the person occupying the inferior position is, in a broad and general sense, a coemployee, he is not a fellow-servant with the person in authority over him in the sense that he could not recover for injuries sustained by him in consequence of the negligence of such person.

3. If, in the prosecution of the business of the corporation, the agent having a general control of its working plant causes a scaffold to be constructed by other employees, under his direction, for the purpose of removing heavy machinery, and, after its completion, temporarily withdraws the engineer from the performance of the special duties for which

he was employed, and directs him to assist in the removal of such machinery, using for that purpose the scaffold so constructed, and because of some imperfection therein, resulting from a defect in the plan of its construction, such defect being unknown to the engineer, such scaffold falls, and in consequence injures the engineer, he is entitled to recover.

4. Where the person in authority, representing the master, undertakes to plan such a contrivance, and to superintend its construction by ordinary, unskilled laborers, such person thinks for the master, and the servant who uses it does not take the risk of defects of design, and the master will not be excused if, in consequence of such defects only, the servant is injured; but if the master deliver to such laborers material well suited to that purpose, leaving it to their discretion to devise the plan of so simple a contrivance as they proceed with the work, no recovery could be had by one who, as a fellow-servant with such laborers, subsequently undertook to use such contrivance, and because of defects therein was injured; and this is true whether the defect was of plan or construction. In either case the injury would be imputable to the negligence of the fellow-servant.

5. Under the principles above announced, the court erred in directing a nonsuit.

SEAMEN—CRIMINAL JURISDICTION OF FOREIGN COURTS—RECOVERY OF WAGES—*Hinds Gaul v. The Lyman D. Foster*, 85 *Federal Reporter*, page 987.—This suit was brought in the United States district court for the district of Washington, northern division, by one Nils E. Hinds Gaul against the schooner *Lyman D. Foster* to recover wages, expenses, and damages for an assault alleged to have been committed upon him by the master. Said court rendered its decision March 5, 1898, and dismissed the suit.

The opinion was delivered by District Judge Hanford, and the following language, showing the facts, etc., in the case, was used therein:

The libellant was employed as first mate of the schooner *Lyman D. Foster*, for a voyage from Port Townsend to the port of Freemantle, West Australia, and return to a port of the United States on the Pacific coast, the voyage not to exceed 16 months, and was to receive wages at the rate of \$50 per month. Within a short time after sailing from Port Townsend there was trouble between him and the captain, in consequence of which the libellant was deposed, and the captain himself performed the duties of mate. After the schooner had entered the harbor of Freemantle, and when she was about to drop her anchor, the captain went forward to oversee the running out of the anchor chain, and, meeting the libellant near the windlass, ordered him to get out of the way, and immediately there was a fight between the two. Blows were struck by each. The captain was knocked down, and received considerable injury.

When the captain went ashore he reported the occurrence to the consular agent of the United States, who thereupon lodged a complaint with a local magistrate, charging the libellant with the commission of an assault upon the captain. The record of the proceedings in the case in the Australian court has not been produced, but from the testimony

I find that the libelant was taken before the court, and the witnesses to the occurrence on board the schooner in the harbor were summoned. One was sworn and gave testimony on the part of the prosecution. Three others, called at the instance of the libelant, were sworn and testified in his behalf. The magistrate or judge before whom the case was tried then refused to hear the testimony of other witnesses called at the instance of the libelant, for the reason that the three who did testify corroborated the testimony of the one witness for the prosecution as to the material points in the case; and, on the testimony taken, the court adjudged the libelant to be guilty as charged, and sentenced him to be punished by imprisonment for 12 weeks; and he was detained in prison under said sentence, having yet several weeks to serve, when the schooner was ready to leave the port. Before sailing from Freemantle, the captain gave to the United States consular agent a sum of money for the libelant, equal to the entire amount of his wages, at the rate agreed upon, for the time he was in the schooner, without making any deduction for the time he was off duty. The consular agent paid the costs and expenses of the criminal prosecution against the libelant, and gave him the balance. In this suit the libelant claims the balance of his wages for the entire voyage, and his expenses incurred at Freemantle and in returning to the United States, and also damages for assaults and abuse which he alleges were committed by the master.

Libelant's counsel has presented his case upon the theory that a court of a foreign country does not have jurisdiction to punish an American seaman for an offense against the laws of the United States, committed on board of an American vessel; and it is his contention that the imprisonment of the libelant at Freemantle was wrongful; that the captain violated his duty in sending the libelant ashore to be imprisoned in a foreign country, and that, having by his wrongful acts prevented the libelant from completing the voyage, he should be held estopped to dispute the right of the libelant to recover wages for the entire voyage, according to the terms of the contract; and that, having left libelant in a foreign port, the schooner is also liable for the amount of his expenses incurred while there and in returning.

I assent to the proposition that the courts of one country have no jurisdiction to punish a seaman for any offense committed at sea on board a merchant vessel under the flag of another country, nor to punish a seaman for an offense committed within its territorial jurisdiction, for an act made punishable as a crime by the laws of the country to which his ship belongs, unless such act is also a crime under the laws of the country where committed. But the jurisdiction of a court to punish infractions of the local law committed within its territorial jurisdiction may not be denied on the ground that the offender is an alien in the country, or that the act was committed on board of a foreign ship. The act of which the libelant was accused at Freemantle is *malum per se*, and, presumably, punishable as a crime in all civilized countries. The prosecution of the libelant was conducted according to forms of procedure designed to insure fairness and to promote justice, and he was convicted upon testimony of a witness against him, which was corroborated by witnesses called at his instance. Whether the judgment against him was just or unjust is a question which the courts of this country are not competent to decide, having no power to review the judgment of a court of competent jurisdiction of a foreign country. I hold that the detention of the libelant at Freemantle was not an unauthorized interference on the part of the local government, nor a wrong done to him at the instigation of the captain, but that he received Brit-

ish justice, at the hands of a British court, for a violation of British law committed within British territory. As a necessary consequence of his imprisonment, he was rendered incapable of fulfilling his contract and earning the wages which he is now suing to recover. By placing the amount of his wages for the time the libellant was in the schooner in the hands of the United States consular agent, for the libellant, the captain fully performed his duty toward the libellant as to payment of his wages. From that time the consular agent became responsible to the libellant for the money, and is liable if he misapplied any of it, but the schooner is free. Under the circumstances, there could be no formality observed in discharging the libellant from the service of the schooner—the actual condition of things effected an actual discharge; for the captain would not have been justified in detaining the schooner, on expense, in a foreign port, for several weeks, for the mere sake of receiving on board a subordinate officer detained in prison as punishment for an aggravated assault. He pursued the right course in going to sea when the schooner was ready to sail, and leaving all the money which the libellant could legally claim in the hands of an accredited representative of our Government.

LAWS OF VARIOUS STATES RELATING TO LABOR ENACTED SINCE JANUARY 1, 1896.

[The Second Special Report of the Department contains all laws of the various States and Territories and of the United States relating to labor in force January 1, 1896. Later enactments are reproduced in successive issues of the Bulletin from time to time as published.]

MARYLAND.

ACTS OF 1898.

CHAPTER 34.—*Mine regulations and inspection.*

SECTION 1. Sections 196 to 209, inclusive, of article 1 of the Code of Public Local Laws of Maryland, entitled "Allegany County," subtitle "Mine inspector," and sections 150 to 161, inclusive, of article twelve of the Code of Public Local Laws of Maryland, entitled "Garrett County," subtitle "Manufactures and mines," are hereby repealed and reenacted with amendments, and certain new sections are hereby added to the said respective articles, to follow in the first-mentioned article, section 209, and to be designated as "sections 209A, 209B, 209C and 209D," and in the second herein-mentioned article, to follow section 161, and to be designated as "sections 164A, 164B and 164C," and to read as to the sections hereby repealed and reenacted, and also as to the said new sections as follows:

"196 of article 1 and 150 of article 12." That the governor shall, by and with the advice and consent of the Senate, appoint one mine inspector for the counties of Allegany and Garrett, who shall hold his office for two years from the date of his appointment.

"197 of article 1 and 151 of article 12." No person shall be eligible to the office of mine inspector until he shall have attained the age of 30 years and shall possess a competent and practical knowledge of the different systems of mining and working and properly ventilating coal mines in said counties, and the nature and constituent parts of various gases of mines, and of the various ways of expelling the same from said mines, and it shall be required that he has had five years' practical experience as a working miner in one or both counties combined next immediately preceding his appointment.

"198 of article 1 and 152 of article 12." That before entering upon and discharging any of the duties of his office, the mine inspector shall take an oath to faithfully discharge the duties hereinafter set forth, in an impartial manner, uninfluenced by the fear, favor, or influence of any person or corporation whatever.

"199 of article 1 and 153 of article 12." That it shall be the duty of said mine inspector to carefully and personally examine each mine that may be in operation in Allegany and Garrett counties at least once in every month, and oftener, if necessary, to see that every precaution is taken to insure safety to all workmen that may be engaged in said mines, and to see that the provisions of this act are strictly observed, and it shall further be the duty of said inspector, after being notified by the coroner or magistrate of either Allegany or Garrett counties, to attend at every inquest that may be held on the bodies of any person or persons that may lose their life or lives while engaged in work in or about any of the coal mines of said counties, and he shall examine closely into the cause by which such person or persons lost their life or lives, and if it shall be shown that said person or persons lost their life or lives by any willful violation of any of the provisions of this act by any owner or lessee or agent of said mines or any willful failure to comply with its provisions, the widow or lineal heirs of the person or persons whose life or lives shall be lost may institute a suit against said owner, lessee or operator of said mines, where or wherein the accident took place, and may recover such damages as the courts may determine for the loss they have sustained by the death of the person or persons whose life or lives have been lost while engaged at work in or about said mines.

"200 of article 1 and 154 of article 12." That the said mine inspector, while in office, shall not act as land agent or superintendent or manager of any mine, and shall in no manner whatever be under the employ of any mining companies or owners operating mines in said counties; and it shall be the duty of said mine inspector on or before the first day of January in every year to make a report to the governor

of his proceeding as such mine inspector and the condition of each and every mine in said counties, stating therein all accidents that may have happened in or about said mines, and set forth in said reports all such information that may be proper or beneficial, and also to make suggestions, as he may deem important, as to any further legislation on the subject of mining.

"201 of article 1 and 155 of article 12." That the owner, lessee or agent of every coal mine that may now or hereafter be in operation in said counties of Allegany and Garrett, whether working by slope, shaft or drift, shall provide and establish within six months from the passage of this act for every such mine a proper system of pure-air ventilation by satisfactory and effective modes, either natural or artificial, and said ventilation shall be maintained thereafter as long as said mine is worked or operated, in every working place throughout the mine, and to expel from said mine the noxious gases or impure air, so that the mine, in all its working headings, rooms, crosscuts and working places, shall be in a healthful condition for the men working therein, and free from danger to their lives or health, by keeping therefrom such impure air or gases.

"202 of article 1 and 156 of article 12." That the owner, lessee or agent of every mine in operation in the counties of Allegany and Garrett, shall furnish at their own expense, all props and all the requisite timber that may be necessary to be used in the working of said mines, and as the miners employed at work therein proceed with the working of their excavation; it shall be the duty of the owner, lessee or agent of said mines, to furnish a sufficient quantity of props and timber of suitable character at the place in the heading room, crosscut or other excavation in the mines where the miners are at work, and the owner, lessee or agent operating any such mines shall, at their own expense, properly timber any headings, rooms, pillars or other excavations not recently worked, and lay up roads by contract or otherwise to and in the same previous to the miners starting new or further work or excavations therein, and said owner, lessee or agent shall construct each heading hereafter driven in every mine of sufficient width and height, said height not to exceed the natural thickness of the vein, so as to admit of the passage of the drivers who may be engaged in driving cars along said headings.

"203 of article 1 and 157 of article 12." That whenever any noxious gases or impure air is known to exist in any part of any mine being worked in either of said Allegany or Garrett counties by such owner, lessee or agent, and which is likely to endanger the health or lives of the miners employed therein it shall be the duty of the mine inspector, upon the same being known to him, to proceed at once to make a careful examination of the ventilating apparatus of the said mine, and if he shall find that the noxious gases or impure air existing in said mine resulted from the bad condition of the ventilating apparatus connected therewith, he shall immediately notify the owner, lessee or agent, to close said mine, or part of mine, or to expel from the same all such noxious gases or impure air therein, and to properly ventilate the same, and after such notification, if any owner, lessee or agent of such mine shall neglect for the space of ten days to close said mine or part of mine or to take proper steps to remove such gases or impure air from such mine, he shall be deemed guilty of a violation of the foregoing provisions of this section, and he shall be indictable and punishable for the same as for any other violation of this act, as hereinafter provided.

"204 of article 1 and 158 of article 12." That the mine inspector shall also be an inspector of weights and measures at all mines now or hereafter opened in said Allegany or Garrett counties, and shall weigh several cars of coal mined therein once every month on the scales of the different mines in said counties, in order to test the accuracy of said scales, and to do any other act he may deem necessary to ascertain whether or not the miners are allowed the full weight of coal in the mining cars when placed upon the scales of the different mines, and it shall be the duty of every person acting as weighmaster for the owner, lessee or agent of any [of] said mines, before entering upon the performance of his duty as weighmaster, or before making any report as said weighmaster to said owner, lessee or agent, to make oath before some justice of the peace, in the county in which the opening or mouth of said mine is situated, that he will perform the duties of weighmaster, as prescribed by this act, at such mine, with honestly [honesty] and fidelity, and will keep a true and accurate account of all the coal so weighed by him, and will credit and allow the full weight of coal in each mining car to the party or parties who mined the same, at the rate of two thousand two hundred and forty pounds per ton and all fractions thereof to be counted in hundredweights (cwt.). But said oath of weighmaster shall be understood and construed as only requiring said weighmaster to allow and credit said fractions of tons in whole hundredweights (cwt.) in manner following, namely: Where the odd pounds in any mining car in excess of the whole hundredweight therein shall equal or exceed fifty-six pounds, the said weighmaster shall credit such miner with a whole hundredweight for such odd pounds, but where said odd pounds less than a whole hundredweight (cwt.) shall be less than fifty-six

pounds, then such weighmaster shall give such miner no credit whatever for such odd pounds, and said weighmaster shall deliver a copy under his hand and seal of said justice of said affidavit to the mine inspector and it shall be the duty of said weighmaster to perform the several acts and matters specified in said affidavit.

"205 of article 1 and 159 of article 12." That it shall be the duty of every person acting as weighmaster for the owners, lessee or agents of any of said mines, to keep in ink or indelible pencil a list or statement of the number of mining cars, and the weight of coal in each car mined each day, and the person mining the same, and place, and keep said list in some place at the weigh-house where said coal is weighed, where the miners interested therein may and can inspect it on and at all times throughout the same day on which the coal specified therein was mined, and each of said lists so placed there by said weighmaster shall be kept by him for reference and inspection by all persons interested therein for at least thirty days from the day on which the same is made out.

"206 of article 1 and 160 of article 12." That it shall be the duty of every person or body corporate, lessee, owner or agent operating a mine or mines in either of said counties of Allegany or Garrett, to provide correct and accurate scales, upon which all coal mined in said mine shall be weighed in the state in which it is mined before the same shall be taken from the mine cars, in which the miners have loaded the same, and it shall be the duty of every owner, lessee or agent of every mine to cause the average weight of all the cars used in any such mine to be plainly stamped in some conspicuous place on each of said cars.

"207 of article 1 and 161 of article 12." That at any time upon the request in writing to that effect of a majority of the miners then employed in any coal mine in said counties of Allegany and Garrett, to the agent, lessee, operator or owner of such mine, such owner, lessee, operator or agent of such coal mine shall permit said miners (but at their own expense) to provide and keep in the said weigh-house at said mine, at the scales kept thereat, for such length of time as such miners may require, a check weighmaster, who shall have the right at all times to be present when the coal mined at each mine is being weighed by the weighmaster of said mine, and to examine the scales thereof, and to take and keep a full statement of the weight of each mining carload of coal, as shown by the said scales when the coal is being weighed thereon, by said weighmaster, and upon the discovery by such check weighmaster of any willful violation of any of the provisions of this act by the weighmaster employed at such mine, it shall be the duty of such check weighmaster to immediately lay all such information before the State's attorney of the county in which such weigh-house is situated, or the mine inspector, for their action upon the same.

"208 of article 1 and 162 of article 12." That it shall be the duty of every agent, owner, lessee, operator, weighmaster, mining boss, overseer, roadsman, driver, miner or any other person working or engaged in any employment whatever, in or about the said mines in said Allegany and Garrett counties, or the trainroads or incline planes leading therefrom, to observe all practical care, caution and prudence in the work in which they may be engaged, so that all lives, health and safety of themselves and their collaborators, and the property of the owners in and about said mines, may be protected as far as practicable, consistent with the dangerous character of the work, from loss and injury, and it shall be the duty of all miners engaged in any of said mines to carefully prop and timber all rooms, headings and other excavations wherein they may be working, as close up to their work as may be reasonably practicable, so as to guard, as far as practicable, against all accidents from falls of roof, side or breast, coal or slate, earth or other surrounding matter, and any miner or other person employed or working in or about said mines who shall be guilty of any willful negligence in respect of any of the matters specified in this section whereby the lives, health or safety of any collaborators in and about any of said mines, or any of the property of the owners in or about said mines may be lost, destroyed or injured, or unnecessarily jeopardized, shall be liable to indictment, and upon conviction, to be fined as hereinafter provided; and whenever in any case it shall be brought to the notice of the mine inspector that any person is violating any of the provisions of this section, he shall at once order such person to take immediate steps to secure the safety of the person or property so jeopardized, and in case of the refusal of any person to comply with such order, it shall be the duty of said inspector to proceed at once to have such offender arrested and punished in accordance with the provision of this act.

"209 of article 1 and 163 of article 12." That the grand juries that may be hereafter summoned by the circuit courts for Allegany and Garrett counties are hereby authorized and empowered to summon said inspector before them, then at each term of court in said counties, and to examine into and take cognizance of the conduct of mine inspector appointed under this act, and in case any grand jury of either Allegany or Garrett counties shall at any time recommend in their report that any inspector appointed under the provisions of this act should be removed from

his office for misbehavior therein, neglect of duty, incompetency, or inability through any cause to act, then, and in such case the clerk of the circuit court in which such report is filed shall forthwith transmit a copy of the same, certified under the seal of the court, to the governor of Maryland, who, upon receipt of the same, shall at once remove such mine inspector and proceed to appoint some other person to the office in his stead, to serve until the appointment of his successor as hereinbefore provided.

"209A of article 1 and 161 of article 12." That it shall be lawful, however, notwithstanding the provisions of this act, in relation to weighmaster and the weighing of coal, for any owner, lessee, individual or agent of any mine in said counties of Allegany and Garrett worked by shaft alone, to contract with the miners to mine coal therein or therefrom by measurement, and it shall also be lawful for any owner, lessee or agent of any mine in said counties, at or in which not more than ten miners are employed at any one time, to contract with the miner or miners employed therein, by the day, week or month, instead of by weight, and in all such cases when the compensation of the miners by their contract or agreement, fixed by the day, week or month, be ascertained by the cubic yard or other measurement, as hereinbefore provided; it shall not be obligatory upon such owner, lessee or agent of such mine to provide any weighmaster or weigh the coal mined in such shaft or mine, or taken therefrom, but the mine cars used in any such mine worked by shaft, shall be measured by a sworn measurer, and said owner, lessee or agent shall cause the capacity of each of said mining cars to be plainly stamped or branded thereon; *Provided, however,* That apart from the exception contained in this section said owner, lessee or agent of any such mine specified in this section, operating the same, shall be held to all the requirements and be subject to all the liabilities and penalties which are provided herein in relation to the working and operation of all other coal mines covered by this act.

"209B of article 1 and 161A of article 12." That any owner, lessor [lessee], agent, operator, mining boss, roadsman, overseer, driver or miner or other person violating, neglecting or refusing to comply with any of the provisions of this act, or violating in any manner any of its provisions, shall be held and deemed guilty of a misdemeanor, and upon indictment therefor, and conviction thereof, shall be fined not less than fifty dollars nor more than five hundred dollars, in the discretion of the court, but nothing contained in this act shall be construed as depriving the courts of their jurisdiction to take cognizance of any offense specified in or covered by this act of which they would have had jurisdiction in the common law.

"209C of article 1 and 161B of article 12." That any mine inspector or weighmaster at any of said mines neglecting or refusing to comply with any of the requirements of this act, or violating or failing to perform in any way any of the duties of his office or position as herein prescribed, shall be held and deemed guilty of a misdemeanor, and upon indictment therefor and conviction thereof, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, in the discretion of the court.

"209D of article 1 and 161C of article 12." Said mine inspector shall be paid an annual salary, at the rate of fifteen hundred dollars per year, payable quarterly, which said salary shall be paid out of the State's money by a warrant of the comptroller upon the State treasury for the same.

SEC. 2. This act shall take effect from the date of its passage.

Approved March 14, 1898.

CHAPTER 123.—Labor laws—Baltimore, etc.

SECTION 1. Article 4, entitled "City of Baltimore," of the Code of Public Local Laws of Maryland, and the several acts and parts of acts amendatory thereof, are hereby repealed, and the said article 4 is hereby reenacted, with amendments, under two subtitles to be known as "Charter" and "Miscellaneous Local Laws," so as to read as follows:

ARTICLE IV.

CITY OF BALTIMORE.

MISCELLANEOUS LOCAL LAWS.

Fire escapes on factories, etc.—Use of oil, etc., in factories prohibited.

SECTION 280. * * * It shall not be lawful for any person, agent, owner or proprietor of any sweat shop or factory where four or more persons are employed, to use any coal oil, gasoline, or any other explosive or inflammable compound for the purpose of lighting or heating in any form; and any person, agent, owner or proprietor violating this provision shall be guilty of a misdemeanor, and on con-

tion thereof, be fined by the court before which such conviction is had, for every violation, the sum of one hundred dollars and costs, and stand committed until such fine and costs be paid. The owner or owners of any such house or building used as a sweat shop or factory where four or more persons are employed as garment workers, on other than the first floor of such house or building, shall provide fire escapes for the same; and if any owner or owners of any house or building so used, fail to make or provide a fire escape, such owner or owners shall pay a fine of two hundred dollars, to be recovered as other fines in this State, or imprisonment in the city jail for sixty days, or both fine and imprisonment, in the discretion of the court.

Examination, licensing, etc., of steam engineers.

SEC. 426. The governor shall biennially appoint, in and for the city of Baltimore, two engineers who have had not less than ten years' practical experience in running steam engines, boilers and appliances pertaining to stationary or portable engines, and who have been residents of this State for not less than five years next preceding the date of their appointment, who shall constitute and be known as the "board of examining engineers." The parties so appointed, before entering on their duties, shall make oath before a justice of the peace that they will faithfully perform the duties of their office without fear, partiality or favor; and that they will not, during their term of office, accept any money, gift, gratuity or consideration from any person, and shall give bond to be approved by the comptroller of the State, in the sum of three thousand dollars each, for the faithful discharge of their duties; and before entering on said discharge of their said duties, the said inspectors shall provide themselves with an office in a proper location in the city of Baltimore, and shall give notice by publication for at least five days through the two daily papers having the largest circulation in said city, of the time and manner in which they will make the examinations hereinafter provided for.

SEC. 427. The said board shall have general supervision of all stationary engineers within the city of Baltimore; it shall be their duty to examine all engineers of the age of twenty-one years or upward, who shall apply to them for examination; and to give to all parties so examined a certificate of proficiency, if found proficient, and to refuse to give such certificate if not found proficient; and the parties so receiving such certificate shall pay to said board the sum of three dollars for each certificate so issued, and for all renewals of all grades the sum of one dollar and fifty cents; said certificates shall be of three grades; a certificate of the first grade will permit the holder thereof to take charge of any plant of machinery from one to five hundred horsepower, and the third grade to take charge of any plant of machinery from one to thirty horsepower; and the said certificate shall run for the term of one year, and shall be renewed annually, the term of beginning of said certificate to be from the date of the examination of the respective applicant; *Provided*, That no engineer having such certificate shall have charge of more than one plant of machinery at the same time unless said plant be of the same company and at one and the same place; and no substitute who has not been examined and received the certificate aforesaid shall be placed in charge of machinery by an engineer who has.

SEC. 428. All persons of twenty-one years of age or upward who, after the adoption of this article, shall desire to fill a position as a stationary engineer, must make application to the board of examining engineers for examination and certificate of proficiency, before he can pursue his avocation as such engineer; *Provided*, That any engineer employed as stationary engineer at the works of any steam railway, or any engineer employed as such with any stationary engine, who at the time of the adoption of this article shall have been employed at the same place for the term of six months or more, shall not be required to apply for such examination and certificate; but whenever such engineers shall remove from the place where so employed they shall be, and are hereby required to make application for examination and certificate to said board of examining engineers as hereinbefore provided; *And provided, further*, That the provisions of this section shall not apply to persons running engines and boilers in sparsely settled country places, where not more than twenty persons are engaged in work about such engines and boilers, nor to engineers running country saw and grist mills, thrashing machines and other machinery of a similar character, nor to marine engineers engaged in steamboats, ships and other vessels run by steam, nor to those engaged as locomotive engineers of any steam railway company. And in the event of any charge being made to said board, of any engineer who may hold a certificate from them, of being intoxicated, while in charge of an engine or boiler, or of the neglect of duty on the part of such engineer or engineers, it shall be the duty of said board to immediately hear such charge, and if sustained, annul such certificate. The certificate granted to the respective applicants must be framed and kept in a conspicuous place at such place as such persons may be respectively at work. Any person violating the provisions of this subdivision of this article shall be deemed guilty of a misdemeanor, and, upon trial and conviction before a justice of

the peace, shall be fined not less than twenty-five dollars nor more than fifty dollars, one-half of which shall be paid the informer and the balance to the State.

SEC. 429. Said board of examining engineers shall meet at their office in the city of Baltimore for the purpose of examining applicants at least once in every week, and at a specified hour and day, and shall sit until all applicants shall be examined, and in the event of inability to examine all the applicants on the regular day of meeting, they shall continue their sessions for each successive day until the same shall be completed. They shall visit and inspect the running and management of all steam plants wherein the engineers are required to be examined as hereinbefore provided, not less than once every six months, and in the event of their finding on such examination that the engineer or engineers in charge of such plant or machinery are not running and managing the same with proper skill and care, they shall report the same to the State board of boiler inspectors for their action; and said board of examining engineers are hereby invested with power and authority to enter all such premises and make the examination herein provided for; and any owner of any such premises who shall refuse to allow them to enter and make such examination shall be deemed guilty of a misdemeanor and be punishable, upon trial and conviction, as provided in the preceding section.

SEC. 430. The said board of examining engineers shall receive an annual salary of fifteen hundred dollars each, and shall have power to employ a clerk or secretary at a salary not exceeding the sum of one thousand dollars per annum, and such expense shall be allowed said board as shall be incurred in traveling expense, office rent, stationery and printing, and for which they shall produce to the comptroller of the State treasury proper vouchers; *Provided, however,* That no appropriation shall be made and no moneys paid by the State treasurer to said board for or on account of said salaries and expenses, but that the same shall be paid to them by and from the fees received for the examination and certificates hereinbefore provided for; *And provided, further,* That the said board shall keep a strict account of all fees received for such purposes, and quarterly, under oath or affirmation, return said statement to the comptroller of the State treasury; and whenever the amount is in excess of the salaries and expenses hereinbefore provided for they shall forward such excess to said comptroller, and they shall keep a certificate book with the certificates therein duly numbered and of which to each certificate there is a corresponding stub to be filled in to correspond in all respects to the certificate issued, and subject to the inspection of the comptroller, when he may deem the same necessary.

Seats for female employees.

SEC. 505. It shall be the duty of all employers of females in any mercantile or manufacturing business or occupation in the city of Baltimore to provide and maintain suitable seats for the use of such female employees, and to permit the use of such seats by such employees to such an extent as may be reasonable for the preservation of their health.

SEC. 506. Any violation of the preceding section by any employer shall be deemed a misdemeanor, and shall be punishable by a fine of one hundred and fifty dollars, to be collected as other fines are collected.

Tenement and lodging houses.

SEC. 507. The mayor and city council of Baltimore are authorized and directed to enact ordinances regulating the construction, care, use and management of tenement houses, lodging houses and cellars in the city of Baltimore, for the better protection of the lives and health of the inmates dwelling therein.

SEC. 508. A tenement house shall be taken to mean and include every house, building or portion thereof which is rented, leased, let or hired out to be occupied, or is occupied, as the house or residence of more than three families living independently of another, and doing their own cooking upon the premises, or by more than two families upon a floor so living or cooking, but having a common right in the halls, stairways, yards, water-closets or privies, or some of them; a lodging house shall be taken to mean and include any house or building, or portion thereof, in which persons are harbored or received, or lodged for hire for a single night, or for less than a week at one time, or any part of which is let for any person to sleep in for any time less than a week; a cellar shall be taken to mean and include every basement or lower story of any building or house of which one-half or more of the height from the floor to the ceiling is below the level of the street adjoining.

Examination, licensing, etc., of plumbers.

SEC. 509. It shall not be lawful for any person, firm or corporation engaged in the plumbing business in the city of Baltimore to employ as workmen in said business

any persons, except those qualified to work at the plumbing business, as provided in section 511 of this article; and no person shall be qualified to work at the plumbing business unless he has made application to and received from the State board of commissioners of practical plumbing the certificate of competence provided for in section 511 of this article, and is otherwise qualified, as required by this subdivision of this article. Any person or firm engaged in the plumbing business in the city of Baltimore, and the superintendent, manager, agent or other officer of any corporation, engaged in the plumbing business in the city of Baltimore, who shall employ any person to work at the plumbing business not qualified as required by this subdivision of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than fifty dollars for every day or part of every day that such employer shall employ such workman.

SEC. 510. If any person shall work at the plumbing business in the city of Baltimore without being qualified as required by this subdivision of this article he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars nor more than fifty for every day or part of every day that such workman shall work at the plumbing business.

SEC. 511. The governor shall appoint biennially five persons, who shall constitute a board of commissioners, which shall be known and designated as "The State board of commissioners of practical plumbing," and who shall be selected as follows: Three persons who are practical and skilled plumbers from the city of Baltimore, the commissioner of health of Baltimore city, and a member of the State board of health, from the State at large, whose duty it shall be to faithfully and impartially execute, or cause to be executed, all the provisions and requirements of this and the two preceding sections, upon application and in such manner and at such place as they may determine; *Provided*, Said place of examination shall be within the limits of the city of Baltimore, they shall examine each and every person who shall desire to work at the plumbing business, touching his competency and qualifications; and upon being satisfied that the person so examined is competent and qualified to work at said business, they, or any three of them, shall grant such person a certificate of competency, and register him in their books as a practical plumber, which shall operate as full authority to him to conduct and engage in the said business of plumbing.

SEC. 512. The said board of commissioners shall demand and receive from each applicant for a certificate of competency whom they examine and pass the sum of three dollars at the time of the issuance of said certificate, and the sum of one dollar for the renewal thereof each and every year thereafter, on or before the first day of May.

SEC. 513. The money received under the provisions of the foregoing section shall be used and applied by said commissioners to defray their expenses, and all surplus over and above their necessary expenses shall be returned to the state treasurer for the use of the State.

SEC. 514. Said commissioners shall hold their several offices for the period of two years, commencing from the first day of May in the year eighteen hundred and eighty-six, and thereafter until their successors have been appointed and qualified; each commissioner, within thirty days after notification of his appointment, shall take and subscribe an oath or affirmation before the clerk of the superior court of Baltimore city, to impartially and faithfully discharge his duties as said commissioner; every person appointed commissioner, who shall refuse or neglect to take the oath or affirmation provided for in this section, within the period named, shall be deemed to have refused said office, and the governor shall immediately appoint some person qualified as provided in section 511 of this article, to fill the vacancy thus created; each of said commissioners shall receive the sum of five dollars for every day that he shall be present at a meeting of said board, for the transaction of business; *Provided, however*, That in each year he shall not receive compensation for more than thirty dollars [days?]; *And provided, also*, That said compensation shall be paid out of the fees or other sums received by said board.

SEC. 515. The said board of commissioners are empowered to make such rules and regulations from time to time as in their judgment they may deem necessary and requisite; and they shall make a report of the condition of the board to the governor biennially, on or before the first day of February, with a full statement of their receipts and expenditures.

Hours of labor—Employees of the city.

516. No mechanic or laborer employed by the mayor and city council of Baltimore, or by any officer, agent or contractor under it, shall be required to work an nine hours per day as a day's labor; *Provided, however*, That this section shall apply to mechanics and laborers whose hours of labor are already fixed at nine hours per day; *And provided, further*, That the provisions of this sub-

division of this article shall not apply to the employees of the fire department, Bay View asylum or the Baltimore city jail. Any such officer, agent or contractor who shall require any mechanic or laborer to work more than nine hours per day, contrary to the provisions of this section, shall be fined not less than ten dollars nor more than fifty dollars for each offense; one-half of such fine to go to the informer; said fines to be collected as other fines are collected by law.

Hours of labor—Street-railway employees.

SEC. 793. No street railway company incorporated under the laws of this State, and no officer, agent or servant of such corporation, and no person or firm owning or operating any line or lines of street railways within the limits of this State, and no agent or servant of such firm or person shall require, permit or suffer its, his or their conductors or drivers, or any of them, or any employees in its, his or their service, or under his, its or their control, to work more than twelve hours during each or any day of twenty-four hours, and shall make no contract or agreement with such employees, or any of them, providing that they or he shall work for more than twelve hours during each or any day of twenty-four hours.

SEC. 794. Any corporation which shall in any manner violate any of the provisions of the preceding section shall be deemed to have misused or abused its corporate powers and franchises, and the attorney-general of the State, upon the application in writing, made by any citizen of this State, accompanied by sufficient proof of such violation, shall forthwith, without further authorization, institute proceedings for the forfeiture of the charter of such corporation, by petition in the name of the State, in the manner provided by the laws of this State for the enforcement of the forfeiture of the charter of any corporation which has abused or misused its corporate powers or franchises.

SEC. 795. If any corporation, or any officer, agent or servant of such corporation, or any person or any firm managing or conducting any street railway in this State, or any agent or servant of such person or firm, shall do any act in violation of the provisions of section 793, it, he, or they shall be deemed to have been guilty of a misdemeanor, and shall, on conviction thereof in a court of competent jurisdiction, be fined one hundred dollars for each offense so committed, together with the costs of such prosecution.

Employment of females as waiters in places of public amusement.

SEC. 900. It shall not be lawful for any proprietor, lessee or manager of any theater, museum or other place of amusement, to employ women or girls as waiters, or to permit them to act in such theater or place of amusement, or among the audience or frequenters of such theater or place of amusement as waiters, or for the purpose or under the pretense of selling, serving, receiving orders or pay for spirituous or malt liquors, wines, lager beer, or any other refreshments or merchandise.

SEC. 901. Any person violating the provisions of the preceding section shall be deemed guilty of a misdemeanor, and on conviction thereof in the criminal court of Baltimore, shall be sentenced to pay a fine of not less than one hundred nor more than one thousand dollars, or to imprisonment in jail not less than one month nor more than six months, or to both fine and imprisonment, at the discretion of the court, and to forfeiture of license, one-half the fine to be paid to the informer and the other half to the State.

Approved March 24, 1898.

CHAPTER 273.—Manual training and industrial schools.

WHEREAS, the establishment of well-conducted and liberally-supported schools, or departments, in one of the large graded schools or high schools in each county of the State, for the development and training of the manual ability of pupils, must tend to supply a growing want in each county of the State; and

WHEREAS, it is especially the duty of the State to afford the best educational facilities to its youth in those technical studies which are directly associated with the material prosperity of its people; and

WHEREAS, it is for the best interests of this State that the colored population of each county shall have an opportunity for the establishment of separate industrial schools; therefore,

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That it shall be the duty of the board of county school commissioners, when a suitable building, or room or rooms connected with one of the large graded schools or high schools, shall be provided by the county, or money sufficient for the erection of such building, or room or rooms, to accept the same (if, in the judgment of the board, there is any necessity therefor), and thereafter to provide for the maintenance of a manual training school, or manual training department, for said county, and the salaries of teachers and

manual training instructors, out of the general school fund and the State aid hereinafter provided.

SEC. 2. *And be it enacted*, That whenever a manual training school, or manual training department, is opened in any county, the president and secretary of the board of county school commissioners of said county shall report to the secretary of the State board of education, and the State board of education shall, without delay, proceed to appoint the principal of the State normal school, or one of the teachers in said school, well qualified for such service, to visit the school and give a certificate of approval of its condition and the plan upon which it is conducted; and thereafter the president and secretary of the board of county school commissioners shall report to the comptroller the condition of the school, the number of instructors, and the number of pupils enrolled, on or before the twentieth day of January in each year.

SEC. 3. *And be it enacted*, That the comptroller of the treasury, after receiving the certificate of approval concerning the county manual training school, or manual training department, according to the provisions of the second section of this act, is hereby authorized and directed to issue his warrant upon the treasurer of the State for the sum of fifteen hundred dollars, payable to the order of the treasurer of the board of county school commissioners of the county filing the certificate of approval aforesaid, out of any moneys in the State treasury not otherwise appropriated, on the first day of October in each year, for the support of said manual training school, or manual training department.

SEC. 4. *And be it enacted*, That the county manual training school, or the manual training department and the school to which it is attached, shall be under the management and control of the board of county school commissioners.

SEC. 5. *And be it enacted*, That it shall be the duty of the board of county school commissioners of each county in this State, whenever a suitable building, or room or rooms connected with one of the colored schools of said county, shall be provided by the county to accept the same, if in the judgment of the said board there is any necessity therefor, and thereafter to provide for the maintenance of such member [number] of separate colored industrial schools as in their judgment may be needed, and the salaries of such teachers as may be required for that purpose shall be paid out of the general fund and the State aid hereinafter provided.

SEC. 6. *And be it enacted*, That whenever any such separate colored industrial school or schools are opened in any county, the president and secretary of the board of county school commissioners of said county shall report the fact to the secretary of the State board of education, and the State board of education shall without delay proceed to appoint a proper person well qualified for such service, to visit the said school or schools and give a certificate of approval of its condition and the plan upon which it is conducted, and thereafter the president and secretary of the said board shall report to the comptroller of this State the condition of said school or schools, the number of instructors and the number of pupils enrolled during the school year last ended, on or before the 20th day of August in each year.

SEC. 7. *And be it enacted*, That the comptroller of the treasury upon receiving the certificate of approval concerning the county colored industrial school or schools, as aforesaid, according to the provisions of the sixth section of this act, is hereby authorized and directed to issue his warrant upon the treasurer of the State for the sum of fifteen hundred dollars, payable to the order [of the] treasurer of the board of county school commissioners of the county, upon the filing of the certificates of approval aforesaid, out of any moneys in the State treasury not otherwise appropriated, on the first day of October in each year, for the support of said colored industrial school or schools, and thereafter the said industrial school or schools shall be under the management and control of the said board of county school commissioners.

SEC. 8. *And be it enacted*, That no entire appropriation for the benefit of any manual training school, provided for under this act, shall be paid as authorized after the first annual appropriation, unless said school shall have had an average daily attendance of thirty scholars for the preceding year; and in case said attendance shall fall short of said number, then there shall only be paid toward the maintenance of said school at the rate of fifty (\$50.00) dollars for each scholar of its daily average annual attendance, to be determined by the report hereinbefore required to be made to the comptroller.

SEC. 9. *And be it enacted*, That no appropriation for the benefit of the colored industrial schools of any county, provided for under this act, shall be paid after the first annual appropriation, unless the average daily attendance at such school or schools shall have been, for the preceding year, at least thirty scholars; and in case said attendance shall fall short of said number, then there shall be paid to the treasurer of the county school commissioners maintaining said school or schools, only at rate of fifty (\$50.00) dollars a scholar, for the daily average annual attendance the same, to be determined by the report hereinbefore required to be made to the comptroller.

Approved April 7, 1896.

CHAPTER 457.—*Earnings of married women.*

SECTION 1. Article XLV of the Code of Public General Laws, title "Husband and wife," is hereby repealed and reenacted with amendments, so as to read as follows:

1. All the property which she [a married woman] may acquire or receive after her marriage, by her own skill, labor or personal exertions, shall be protected from the debts of the husband, and not in anyway be liable for the payment thereof;

SEC. 2. This act shall take effect on and after the first day of January, 1899.
Approved April 9, 1898.

CHAPTER 458.—*Hours of labor—Employers of city.*

SECTION 1. The act of 1892, chapter 286, entitled "An act to add a new section to article 4 of the Code of Public Local Laws, title 'City of Baltimore,' subtitle 'Mayor and city council of Baltimore,' and to come in after section 31, and to be called section 31A, relating to the hours of labor of mechanics and laborers upon city work," is hereby repealed and reenacted to read as follows:

31A. No mechanic or laborer employed by the mayor and city council of Baltimore, or by any officer, agent, contractor or subcontractor under them, shall be required to work more than eight hours per day as a day's labor; *Provided, further,* That this section shall not apply to the employees of the fire department, Bay View asylum or the Baltimore city jail. Any such officer, agent, contractor or subcontractor who shall require any mechanic or laborer to work more than eight hours per day, contrary to the provisions of this section, shall be fined not less than ten dollars nor more than fifty dollars for each and every offense, one-half of such fine to go to the informer; said fines to be collected as other fines are collected by law.

SEC. 2. This act shall take effect on the first day of May, 1898.
Approved April 9, 1898.

CHAPTER 474.—*Policemen not to be employed on mechanical work or labor.*

SECTION 1. An additional section, to be known as 759B, [shall] be added to article 4 of the Public Local Laws, title "City of Baltimore," subtitle "Police," to read as follows:

759B. No member of the police force provided for by this article and subtitle shall be by the said board of police commissioners employed or be permitted to be employed, to do or perform for the said board, or the mayor and city council of Baltimore, any mechanical work or labor other than the work or labor required of the members of said police force by the provisions of this article and subtitle relating to police duties. The purpose and object of this section is to prevent patrolmen and other members of said police force from being taken from the performance of police duty, as prescribed by this article and subtitle, and made to perform the work and labor of carpenters, bricklayers and similar mechanical work and labor.

SEC. 2. This act shall take effect from the date of its passage.
Approved April 9, 1898.

CHAPTER 491.—*Examination, licensing, etc., of horseshoers.*

SECTION 1. It shall be unlawful for any person to practice horseshoeing in the city of Baltimore or in the twelfth district of Baltimore County, unless such person has obtained a certificate and has been duly registered as hereinafter provided.

SEC. 2. A "board of examiners for horseshoers" is hereby created, which shall consist of five member [members], one of whom shall be doing business as veterinarian only, two master horseshoers and two journeymen horseshoers, all doing business in Baltimore City, whose duty it shall be to carry out the purposes and enforce the provisions of this act. The members of said board shall be appointed by the governor, and the term for which they shall hold office shall be four years, except that the members of said board to be first appointed under this act shall be designated by the governor to serve one for two years, two for three years, and two for four years, and unless removed by the governor, until their successors are duly appointed. Any vacancy in said board, for any cause, shall be filled by the governor.

SEC. 3. Said board shall meet in the month of May next after the passage of this act, and organize by the election of a president and secretary, and thereafter shall hold regular meetings in the months of May and November in every year, and such special meetings for the examination of persons desiring to practice horseshoeing as occasion may require; they shall pass such by-laws and prescribe such rules and regulations as may be necessary to carry into effect the provisions of this act; and said board shall, at its first meet, prescribe and clearly define the qualifications and

tests necessary to obtain a certificate as master or journeyman horseshoer. Printed copies of such requirements shall be furnished to all persons desiring to pass an examination for said certificate, and any person who shall on examination be found by a majority of said board to possess the said requirements so prescribed, shall be granted a certificate to that effect on the payment to said board of a fee of two dollars; and all proceedings of said board shall be open to public inspection.

SEC. 4. Any person who has practiced as a master or journeyman horseshoer in the city of Baltimore or the twelfth district of Baltimore County, for three years prior to the passage of this act, who will file an affidavit to that effect with said board, shall be entitled to a certificate without an examination, on the payment of a fee of twenty-five cents to said board; or anyone who has a certificate from any duly constituted examining board of the State of Maryland, or of any other State, that he is a competent master or journeyman horseshoer, on filing and registering said certificate or a copy thereof with said board, shall be entitled to a certificate from said board without examination, on payment of a fee of two dollars; but, after the passage of this act, no person who has not served an apprenticeship at horseshoeing for a period of three years shall be entitled to an examination for said certificate.

SEC. 5. All certificates issued by said board shall be signed by its officers and bear its seal; and the secretary of said board shall keep a book, in which all certificates so issued and the names of the persons to whom the same shall have been issued shall be duly registered, and a transcript from said book of registration, certified by the secretary, with the seal of the board, shall be evidence in any court in the State, and said secretary shall furnish to anyone a copy of his certificate on payment of the sum of one dollar.

SEC. 6. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and upon the conviction thereof in any court having criminal jurisdiction, shall be fined not more than twenty-five dollars or be confined in the Baltimore city jail or Baltimore county jail, not more than one month, in the discretion of the court. All fines received under this act shall be paid into the common school fund of the city of Baltimore, or of Baltimore County, if the offense shall have been committed in said county. The provisions of this act shall not interfere with the right of the owners of horses to have them shod at their own shops.

SEC. 7. This act shall take effect from the date of its passage.

Approved April 9, 1898.

CHAPTER 493.—*Truck system—Railroad and mining corporations prohibited from selling goods, etc., to employees—Allegany County.*

SECTION 1. It shall not be lawful for any railroad or mining corporation, doing business in Allegany County, nor for the president, vice president, manager, superintendent, any director or other officer of such corporation, to own or have any interest in any general store or merchandise business in Allegany County, in which goods, wares and merchandise are sold, nor to conduct or carry on any such business, or have any interest in the profits of the same in Allegany County, nor to sell or barter any goods, wares or merchandise in such county.

SEC. 2. It shall not be lawful for the clerk of the circuit court for Allegany County to issue a trader's license to any corporation or person or persons to sell goods, wares and merchandise, unless he shall first administer to the party applying therefor an oath that no railroad or mining company, or president, manager, superintendent, or any director, or other officer of such corporation, has any interest directly or indirectly in such store or business, or the profits thereof, purposed to be carried on under said license.

SEC. 3. Any store or business conducted in Allegany County by railroad or mining corporation, or private individuals engaged in railroading or mining, in which goods, wares or merchandise are sold to the employees of the owners of such store or business in part payment of their wages as such employees, shall be subject to a suit at law for damages by the employees purchasing such goods, and be liable to the said employees in a sum of money equal to the amount paid for such goods, wares or merchandise bought by such employees.

SEC. 4. Any such mining corporation who, through its stockholders, officers, by any rule or regulation of its business, shall make any contract with the keepers or owners of any other store whereby the employees of such corporation shall be obliged to trade with such keeper or owner, shall be guilty of a misdemeanor and upon conviction shall be subject to damages payable to said employee to the extent of the amount of goods purchased from such store; proof of such a contract between the mining corporation and the storekeeper shall be prima facie evidence of the fact that such store is under control of such mining corporation and in violation of the provisions of this act.

SEC. 5. Any corporation or person who shall violate any of the provisions of this law, which is hereby declared to be a law to prevent employers from controlling

the trade of their employees, or coercing and directing them to any certain store, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than fifty dollars nor more than five hundred dollars, and the license of such corporation, person or persons, shall be suppressed.

SEC. 6. This act shall take effect on the first day of January, 1899.

Approved April 14, 1898.

CHAPTER 505.—*Protection of wages of employers of stevedores—Stevedores' licenses.*

SECTION 1. A section [shall] be added to the Public Local Laws of Maryland, volume 1, article 4, title "City of Baltimore," subtitle "Licenses," to provide for licenses for stevedores, said section to be known as 668A, and to read as follows:

668A. Before any person or body corporate shall transact the business of a master stevedore in the city of Baltimore, he or it shall first obtain from the clerk of the court of common pleas in said city a State's license, authorizing him or it to carry on said business in the said city, for which said license he or it shall pay the sum of twenty-five dollars, and in addition to this, he or it shall file with said clerk a bond to the State of Maryland in the sum of one thousand dollars, which said bond shall be furnished by some security or bonding company of the city of Baltimore, to be approved by said clerks for the faithful performance of said business of a stevedore, and for the payment of all wages due by him or it, to any one employed by him or it in the work of unloading vessels in the city of Baltimore, and any stevedore who shall violate this section by failure to file such bond, or to obtain the license as aforesaid, though continuing to transact the business of a stevedore, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof in the criminal court of Baltimore City, be fined the sum of one hundred dollars, or be imprisoned in the city jail for the term [of] not exceeding six months, or both, in the discretion of the court.

Approved April 9, 1898.

MISSISSIPPI.

ACTS OF 1898.

CHAPTER 65.—*Employer's liability for death of an employee, etc.*

SECTION 1. The act of the legislature of said State [Mississippi], approved March 23, 1896, being entitled "An act to amend section 663 of the Annotated Code of 1892, as to actions causing death, and exempting damages, recovered for personal injuries, [shall] be amended so as to read as follows:

CHAPTER 86. An act to amend section 663 of the Annotated Code of 1892, as to actions for causing death, and exempting damages, recovered for personal injuries.

SECTION 1. Section 663 of the Annotated Code of 1892 [shall] be so amended as to read as follows: Whenever the death of any person shall be caused by any real, wrongful or negligent act, or omission, or by such unsafe machinery, way or appliances, as would, if death had not ensued, have entitled the party injured or damaged thereby to maintain an action and recover damages in respect thereof, and such deceased person shall have left a widow or children, or both, or husband, or father, or mother or sister, or brother, the person or corporation, or both, that would have been liable if death had not ensued, and the representative of such person shall be liable for damages, notwithstanding the death, and the fact that death is instantaneous, shall, in no case, affect the right of recovery. The action for such damages may be brought in the name of the widow for the death of the husband, or by the husband for the death of the wife, or by a parent for the death of a child, or in the name of a child for the death of a parent, or by a brother for the death of a sister, or by a sister for the death of a brother, or by a sister for the death of a sister, or a brother for the death of a brother, or all parties interested may join in the suit, and there shall be but one suit for the same death, which suit shall inure for the benefit of all parties concerned, but the determination of such suit shall not bar another action unless it be decided on its merits. In such action the party or parties suing shall recover such damages as the jury may, taking into consideration all damages of every kind to the decedent and all damages of every kind to any and all parties interested in the suit. Executors or administrators shall not sue for damages for injury causing death except as below provided; but every such action shall be commenced within one year after the death of such deceased person.

SEC. 2. This act shall apply to all personal injuries of servants or employees received in the service or business of the master or employer, where such injuries result in death.

SEC. 3. Damages recovered under the provisions of this act shall not be subject to the payment of the debts or liabilities of the deceased, and such damages shall be distributed as follows: Damages for the injury and death of a married man shall be equally distributed to his wife and children, and if he has no children all shall go to his wife; damages for the injury and death of a married woman shall be equally distributed to the husband and children, and if she has no children all shall go to the husband; if the deceased has no husband nor wife, the damages shall be distributed equally to the children; if the deceased has no husband, nor wife, nor children, the damages shall be distributed equally to the father, mother, brothers and sisters, or to such of them as the deceased may have living at his or her death. If the deceased have neither husband, or wife, or children, or father, or mother, or sister, or brother, then the damages shall go to the legal representatives, subject to debts and general distribution, and the executor may sue for and recover such damages on the same terms as are prescribed for recovery by the next of kin in section 1, of this act, and the fact that deceased was instantly killed shall not affect the right of the legal representative to recover.

SEC. 4. All suits pending in any court at the time of the approval of this act and which were also pending at the time said chapter went into effect, shall not be affected by any of its provisions; but all such suits shall be conducted and concluded under the laws in force prior to the time of the approval of said act, on March 23, 1896.

Approved January 27, 1898.

CHAPTER 66.—*Employer's liability for injuries to employees.*

SECTION 1. The act of the legislature of said State [Mississippi], approved March 11, 1896, being entitled "An act to amend section 3559 of the Annotated Code of 1892, with reference to the liability of corporations to their employees," [shall] be amended so as to read as follows:

CHAPTER 87. An act to amend section 3559 of the Annotated Code of 1892, with reference to the liability of corporations to their employees.

SECTION 1. Section 3559 of the Annotated Code of 1892 [shall] be amended so that the same shall read as follows, to wit: Every employee of any corporation shall have the same rights and remedies for an injury suffered by him from the act or omission of the corporation or its employees, as are allowed by other persons not employees where the injury results from the negligence of a superior agent or officer, or of a person having the right to control or direct the services of the party injured; and also when the injury results from the negligence of a fellow-servant engaged in another department of labor from that of the party injured, or of a fellow-servant on another train of cars, or one engaged about a different piece of work. Knowledge by an employee injured of the defective or unsafe character or condition of any machinery, ways or appliances, or of the improper loading of cars, shall not be defense to an action for injury caused thereby, except as to conductors or engineers in charge of dangerous or unsafe cars or engines voluntarily operated by them. When death ensues from an injury to an employee an action may be brought in the name of the widow of such employee for the death of the husband, or by the husband for the death of his wife, or by the parent for the death of a child, or in the name of the child for the death of an only parent, for such damages as may be suffered by them respectively by reason of such death, the damages to be for the use of such widow, husband or child, except that in case the widow should have children the damages shall be distributed as personal property of the husband. The legal or personal representative of the person injured shall have the same rights and remedies as are allowed by law to such representatives of other persons. In every such action the jury may give such damages as shall be fair and just with reference to the injury resulting from such death to the persons suing. Any contract or agreement, expressed or implied, made by an employee to waive the benefit of this section shall be null and void; and this section shall not deprive an employee of a corporation or his legal personal representative of any right or remedy that he now has by law.

SEC. 2. All suits pending in any court at the time of the approval of this act, and which were also pending at the time said chapter went into effect, shall not be affected by any of its provisions; but all such suits shall be conducted and concluded under the laws in force prior to the time of the approval of said act, on March 11, 1896.

Approved January 31, 1898.

CHAPTER 70.—*Intimidation of employees, etc.*

SECTION 1. Any person or persons who shall, by placards, or other writing, or verbally, attempt by threats, direct or implied, of injury to the person or property of another, to intimidate such other person into an abandonment or change of home or employment, shall, upon conviction, be fined not exceeding \$500.00, or imprisoned in the county jail not exceeding six months, or in the penitentiary not exceeding five years, as the court, in its discretion, may determine.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 11, 1898.

CHAPTER 71.—*Payment of wages due at death of employee.*

SECTION 1. When any employee shall die leaving wages due him to an amount not exceeding two hundred dollars, it shall be lawful for the employer after sixty days to pay said wages to the wife of said deceased employee, if he leave a wife surviving him; and if he shall leave no wife surviving him, then to his children, if adults; and if he shall leave no children and no wife surviving him, then to his father; and if he shall leave no wife, or children or father surviving him, then to his mother; and if he shall leave no wife, or children, or father or mother surviving him, then to his brothers and sisters, if adults; and if such employee shall have left no wife, or children, nor brothers nor sisters, nor father nor mother surviving him, or if any of his children surviving him shall be minors, or if any of his brothers or sisters surviving him entitled to inherit shall be minors, then it shall be lawful for said employer to pay said wages to the chancery clerk of the county in which said employee resided at the time of his death, or of the county where he died.

SEC. 2. Where such wages are paid to the chancery clerk as provided in the first section of this act, it shall be the duty of the chancery clerk to pay that portion of the wages of such employee which may belong to the adult children or brothers and sisters of such deceased employee and to report to the next term of the chancery court who are the minor brothers or sisters or children of said employee and how much is coming to each one of the heirs of said employee, and thereupon the chancery court shall enter an order upon the probate minutes of the court directing the payment by the chancery clerk of the shares of such minor children or brothers and sisters of such deceased employee. In any case where the employer shall pay such wages to the chancery clerk, he shall be discharged from all further liability.

SEC. 3. The clerk and the sureties on his official bond shall be liable for the faithful performance of the duties imposed upon him by this act, and for faithfully accounting for any and all sums of money as shall be paid to him under this act, and shall receive commissions now allowed by law to administrators and executors for collecting and distributing moneys belonging to the estate of a decedent.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 8, 1898.

VIRGINIA.

ACTS OF 1897-98.

CHAPTER 33.—*Trade-marks of trade unions, etc.*

SECTION 1. Whenever any person, or any association or union of workmen has heretofore adopted or used, or shall hereafter adopt or use, any label, trade-mark, term, design, device, or form of advertisement, for the purpose of designating, making known, or distinguishing any goods, wares, merchandise, or other product of labor, as having been made, manufactured, produced, prepared, packed, or put on sale by such person or association or union of workmen, or by a member or members of such association or union, and has filed and recorded the same as hereinafter provided, it shall be unlawful to counterfeit or imitate such label, trade-mark, term, design, device, or form of advertisement, or to use, sell, offer for sale, or in any way utter or circulate any counterfeit or imitation of any such label, trade-mark, term, design, device, or form of advertisement.

SEC. 2. Whoever counterfeits or imitates any such label, trade-mark, term, design, device, or form of advertisement, or knowingly and with intent to deceive sells, offers for sale, or in any way utters or circulates any counterfeit or imitation of any such label, trade-mark, term, design, device, or form of advertisement, or knowingly and with intent to deceive, keeps or has in his possession, with intent that the same shall be sold or disposed of, any goods, wares, merchandise, or other product of labor to which, or on which, any such counterfeit or imitation is printed, painted, stamped, or impressed, or knowingly and with intent to deceive, knowingly sells or disposes of any goods, wares, merchandise, or other product of labor contained in

any box, case, can, or package, to which, or on which, any such counterfeit or imitation is attached, affixed, printed, painted, stamped, or impressed, or knowingly and with intent to deceive, keeps or has in his possession with intent that the same shall be sold or disposed of, any goods, wares, merchandise, or other product of labor in any box, case, can, or package to which, or on which, any such counterfeit or imitation is attached, affixed, printed, painted, stamped, or impressed, shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than three months.

SEC. 3. Every such person, association, or union that has heretofore adopted or used, or shall hereafter adopt or use a label, trade-mark, term, design, device, or form of advertisement as provided in section one of this act, may file the same for record in the office of the secretary of the Commonwealth by leaving two copies, counterparts, or facsimiles thereof, with said secretary, and by filing therewith a sworn application, specifying the name or names of the person, association, or union on whose behalf such label, trade-mark, term, design, device, or form of advertisement shall be filed; the class of merchandise and a description of the goods to which it has been, or is intended to be appropriated, stating that the party so filing, or on whose behalf such label, trade-mark, term, design, device, or form of advertisement shall be filed, has a right to use the same; that no other person, firm, association, union, or corporation has the right to such use, either in the identical form or in any such near resemblance thereto as may be calculated to deceive, and that the facsimile or counterparts filed therewith are true and correct. There shall be paid for such filing and recording to the Commonwealth a tax of two dollars and fifty cents. Said secretary shall deliver to such person, association, or union so filing, or causing to be filed any such label, trade-mark, term, design, device, or form of advertisement, so many duly attested certificates of the recording of the same as such person, association, or union may apply for, for each of which certificates said secretary shall receive a fee of one dollar. Any such certificate of record shall in all suits and prosecutions under this act be sufficient proof of the adoption of such label, trade-mark, term, design, device, or form of advertisement. Said secretary of the Commonwealth shall not record for any person, union, or association any label, trade-mark, term, design, device, or form of advertisement that would probably be mistaken for any label, trade-mark, term, design, device, or form of advertisement theretofore filed by or on behalf of any other person, union, or association.

SEC. 4. Any person who shall for himself, or on behalf of any other person, association, or union, procure the filing of any label, trade-mark, term, design, or form of advertisement in the office of the secretary of the Commonwealth, under the provisions of this act, by making any false or fraudulent representations or declaration, verbally, or in writing, or by any fraudulent means, shall be liable to pay any damages, sustained in consequence of any such filing, to be recovered by or on behalf of the party injured thereby, in any court having jurisdiction, and shall be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding three months.

SEC. 5. Every such person, association, or union adopting or using a label, trade-mark, term, design, device, or form of advertisement as aforesaid, may proceed by suit to enjoin the manufacture, use, display, or sale of any counterfeits or imitations thereof, and all courts of competent jurisdiction shall grant injunctions to restrain such manufacture, use, display, or sale as may be by the said court deemed just and reasonable, and shall require the defendants to pay to such person, association, or union, all profits derived from such wrongful manufacture, use, display, or sale; and such court shall also order that any such counterfeits, or imitations in the possession, or under the control of any defendant in such cause be delivered to an officer of the court, or to the complainant to be destroyed.

SEC. 6. Every person who shall use or display the genuine label, trade-mark, term, design, device, or form of advertisement, of any such person, association, or union in any manner, not being authorized so to do by such person, union, or association, shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment for not more than three months, or by a fine of not more than one hundred dollars. In all cases where such association, or union, is not incorporated, suits under this act may be commenced and prosecuted by an officer or member of such association or union, on behalf of, and for the use of such association or union.

SEC. 7. Any person or persons who shall in any way use the name or seal of any such person, association, or union, or officer thereof, in and about the sale of goods or otherwise, not being authorized to so use the same, shall be guilty of a misdemeanor, and shall be punishable by imprisonment for not more than three months, or by a fine of not more than one hundred dollars.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved January 5, 1898.

CHAPTER 53.—*Seats for female employees.*

SECTION 1. All persons who employ females in stores, shops, offices, or manufactories as clerks, operatives, or helpers in any business, trade, or occupation carried on or operated by them in the State of Virginia, shall be required to procure and provide proper and suitable seats for all such females, and shall permit the use of such seats, rests or stools, as may be necessary, and shall not make any rules, regulations or orders preventing the use of such stools or seats when any such female employees are not actively employed in their work in such business or employment.

SEC. 2. If any employer of female help in the State of Virginia shall neglect or refuse to provide seats, as provided in this act, or shall make any rules, orders, or regulations in his shop, store, or other place of business, requiring females to remain standing when not necessarily employed in service or labor therein, he shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction shall be liable to a fine therefor in a sum not to exceed twenty-five dollars with costs, in the discretion of the court.

SEC. 3. This act shall be in force from its passage.

Approved January 12, 1898.

CHAPTER 181.—*Protection of street-railway employees—Inclosed platforms.*

SECTION 1. All city and street passenger railway companies are hereby required to use vestibule fronts on all cars run, manipulated or transported by them on their lines during the months of December, January, February and March of each year; *Provided*, That said companies shall not be required to close the sides of said vestibules, and any street railway company refusing or failing to comply with said requirement shall be subject to a fine of not less than ten dollars nor more than one hundred dollars for each offense; *Provided*, That the provisions of this act shall not apply to the street railway lines of the city of Petersburg.

Approved February 1, 1898.

CHAPTER 314.—*Garnishment of the wages of public employees.*

SECTION 1. All officers, clerks and employees who hold their office by virtue of city, town or county authority, whether by election or appointment, and who receive compensation for their services from the moneys of such city, town or county shall, for the purpose of garnishment, be deemed to be, and are, employees of such city, town or county.

SEC. 2. This act shall be in force from its passage.

Approved February 12, 1898.

CHAPTER 410.—*Garnishment of the wages of public employees.*

SECTION 1. The wages and salaries of all officials, clerks and employees of any city, town or county shall be subject to garnishment or execution upon any judgment rendered against them; *Provided*, Said officials, clerks, and employees are not exempt from garnishment or levy under chapter one hundred and seventy-eight of the Code of Virginia.

SEC. 2. This act shall be in force from its passage.

Approved February 19, 1898.

CHAPTER 474.—*Protection of railroad employees—Injuring signals, etc.*

SECTION 1. If any person maliciously injure, destroy, or remove any switch-lamp, flag, or other signal used by any railroad whereby the life of any traveler, employee, or other person is or may be put in peril, he shall be punished by confinement in the penitentiary not less than two nor more than ten years; and in the event of the death of any traveler, employee, or other person resulting from such malicious injuring, destroying or removing, the person so offending shall be deemed guilty of murder, the degree to be determined by the jury. If such act be done unlawfully, but not maliciously, the offender shall, in the discretion of the jury, be confined in the penitentiary not less than one nor more than five years, or be confined in jail not exceeding twelve months and fined not exceeding five hundred dollars. And in the event of the death of any traveler, employee, or other person, resulting from each unlawful injuring, destroying, or removing, the person so offending shall be deemed guilty of murder or of manslaughter as the jury may determine.

SEC. 2. This act shall be in force from its passage.

Approved February 24, 1898.

CHAPTER 628.—*Assignment, etc., of claims to avoid effect of exemption laws as regards wages, unlawful.*

SECTION 1. Chapter two hundred and eighty-six of the acts of assembly of eighteen hundred and ninety-five and ninety-six, entitled an act for the protection of laboring men who are householders against being deprived of the exemption to which they are entitled under section three thousand six hundred and fifty-two of the Code of Virginia, approved February eleventh, eighteen hundred and ninety-six, [shall] be amended and reenacted so as to read as follows:

§ 1. It shall be unlawful for any person to institute, or permit to be instituted, proceedings in his own name, or in the name of any other person, or to assign or transfer, either for or without value, any claim for debt or liability of any kind, held by him against a resident of this State who is a laboring man and a householder, for the purpose of having payment of the same, or any part thereof, enforced out of the wages exempted by section three thousand six hundred and fifty-two of the Code of Virginia, by proceedings in attachment or garnishment, in courts or before justices of the peace in any other State than in the State of Virginia, or to send out of this State by assignment, transfer, or in any other manner whatsoever, either for or without value, any claim or debt against any resident thereof for the purpose or with the intent of depriving such person of the right to have his wages exempt from distress, levy, or garnishment according to the provisions of section three thousand six hundred and fifty-two of the Code of Virginia. And the person instituting such suit, or permitting such suit to be instituted, or sending, assigning, or transferring any such claim or debt for the purpose or with the intent aforesaid, shall, upon conviction thereof, be fined not less than ten dollars nor more than one hundred dollars, and shall in addition thereto, be liable in an action of debt to the person from whom payment of the same, or any part thereof, shall have been enforced by attachment or garnishment, or otherwise, elsewhere than in the State of Virginia, for the full amount, payment whereof shall have been so enforced together with interest thereon, and the costs of the attachment or garnishment proceedings, as well as the costs of said action.

SEC. 2. The amount recovered in such action shall stand on the same footing with the wages of the plaintiff under section three thousand six hundred and fifty-two of the Code, and shall also be exempt and free from any and all liability of the plaintiff to the defendant in the way of set-off or otherwise.

SEC. 3. The fact that the payment of a claim or debt against any person entitled to the exemption provided for in section three thousand six hundred and fifty-two of the Code has been enforced by legal proceedings in some State other than the State of Virginia, in such manner as to deprive such person to any extent of the benefit of such exemption, shall be prima facie evidence that any resident of this State, who may at any time have been owner or holder of said claim, or debt, has violated this law.

SEC. 4. This act shall be in force from the date of its passage.

Approved March 1, 1898.

CHAPTER 853.—*Bureau of labor and industrial statistics.*

SECTION 1. A bureau of labor and industrial statistics of the State of Virginia is hereby established.

SEC. 2. It shall be the duty of said bureau to collect, assort, systematize, and present in annual reports to the governor, to be by him biennially transmitted to the legislature, statistical details relating to all departments of labor, penal institutions, and industrial pursuits in the State, especially in their relation to the commercial, industrial, social, educational and sanitary condition of the laboring classes, and to the permanent prosperity of the productive industries of the State.

SEC. 3 (as amended by chap. 1007, acts of 1897-98). The governor shall appoint, by and with the consent of the senate, some suitable person who is identified with the labor interests of the State, who shall be designated commissioner of labor statistics, and who shall, upon the request of the governor, furnish such information as he may require. The term of office for said commissioner shall be two years from date of his appointment, with power of removal by the governor for cause.

SEC. 4 (as amended by chap. 1007, acts of 1897-98). The commissioner shall have power to take and preserve testimony, examine witnesses under oath and administer the same and in the discharge of his duties may, under proper restrictions, enter any public institution of the State, and any factory, workshop or mine. The commissioner may also furnish and deliver a written or printed list of interrogations to person, company, or the proper officer of any corporation, and require full and true answers to be made thereto and returned under oath within thirty days of date of said list of questions; and if any person who may be sworn to give testimony shall willfully fail or refuse to answer any legal and proper question pre-

pounded to him concerning the subject of such examination, as indicated in the second section of this act, or if any person to whom a written or printed list of such interrogations has been furnished by said commissioner shall neglect or refuse to fully answer and return the same under oath, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof before a court of competent jurisdiction, shall be fined in a sum not exceeding one hundred dollars nor less than twenty-five dollars, or by imprisonment in the county jail not exceeding ninety days, or by both fine and imprisonment; *Provided, however,* That nothing in this act shall be construed as permitting the commissioner or any employee of this bureau to make use of any information or statistics gathered from any person, company or corporation for any other than the purposes of this act.

SEC. 5. All State, county, township and city officers are hereby directed to furnish said commissioner, upon his request, all statistical information in reference to labor which shall be in their possession as such officers.

SEC. 6. The sum of two thousand dollars per annum is hereby appropriated out of any funds in the State treasury not otherwise appropriated, eight hundred dollars of which is to be used as salary of the said commissioner, and the balance to be used to meet contingent expenses, and so forth.

SEC. 7. This act shall be in force from its passage.

Approved March 3, 1898.

IOWA.

ACTS OF 1898.

CHAPTER 49.—*Liability of employer for injuries of employees.*

SECTION 1. Section number two thousand and seventy-one (2071) of the Code [shall] be amended by adding at the end thereof the following:

"Nor shall any contract of insurance, relief, benefit, or indemnity in case of injury or death, entered into prior to the injury, between the person so injured and such corporation, or any other person or association acting for such corporation, nor shall the acceptance of any such insurance, relief, benefit, or indemnity by the person injured, his widow, heirs, or legal representatives after the injury, from such corporation, person, or association, constitute any bar or defense to any cause of action brought under the provisions of this section, but nothing contained herein shall be construed to prevent or invalidate any settlement for damages between the parties subsequent to injuries received."

Approved March 8, 1898.

CHAPTER 59.—*Ventilation of coal mines.*

SECTION 1.—Section 2488 of the Code * * * is hereby amended by inserting in line seven after the words "working parts of the same" the following: "But in no case shall the air current be a greater distance than sixty feet from the working face, except when making cross cuts in entries for an air-course; then in that case the distance shall not be greater than seventy feet: *Provided, however,* That the district mine inspector may in writing grant permission to go beyond the limit herein mentioned when the conditions are such in a special case as to require it." When the air current is carried to the working face of the rooms, in double-room mining, such air current shall be treated as that contemplated in this act.

Approved March 28, 1898.

CHAPTER 60.—*Oil to be used in coal mines.*

SECTION 1. Section twenty-four hundred and ninety-four (2494) of the Code [shall] be amended by adding after the words "adulterated oils" in the eleventh line, the words "Oil that has not been inspected and approved by an inspector."

SEC. 2. Section twenty-four hundred and ninety-five (2495) [of the Code shall] be stricken out and the following substituted therefor:

"It shall be the duty of an inspector of petroleum products to inspect and test all

oil offered for sale, sold, or used for illuminating purposes in coal mines in this State, and for such purpose he may enter upon the premises of any person. If upon test and examination the oil shall meet the requirements made and provided by the State board of health, he shall brand, over his own official signature and date, the barrel or vessel holding the same with the words 'Approved for illuminating coal mines.' Should it fail to meet such requirements, he shall brand it over his official signature and date, 'Rejected for illuminating coal mines.' All inspection shall be made within this State, and paid for by the person for whom the inspection is made at the rate of ten cents per barrel or vessel, which charge shall be a lien on the oil inspected, and be collected by the inspector. Each inspector shall be governed in all things respecting his record, compensation, expenses, and returns to the treasurer of state and secretary of state as provided in sections twenty-five hundred and six and twenty-five hundred and seven of the Code. It shall be the duty of the inspector whenever he has good reason to believe that oil is being sold or used in violation of the provisions of this chapter to make complaint to the county attorney of the county in which the offense was committed, who shall forthwith commence proceedings against the offender, in any court of competent jurisdiction. All reasonable expenses for analyzing suspected oil shall be paid by the owner of the oil whenever it is found that he is selling or offering to sell impure oil in violation of the provisions of this chapter. Such expenses may be recovered in a civil action, and in criminal proceedings such expenses shall be taxed as part of the costs."

SEC. 3. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Des Moines Leader, newspapers published at Des Moines, Iowa.

Approved March 25, 1898.

I hereby certify that the foregoing act was published in the Iowa State Register and Des Moines Leader, April 7, 1898.

G. L. DOBSON,
Secretary of State.

KENTUCKY.

ACTS OF 1898.

CHAPTER 4.--*Convict labor.*

SECTION 1. A board of commissioners is hereby created to govern the penitentiaries of this Commonwealth.

SEC. 3. If, at any time, the labor of the convicts confined in the penitentiaries is not hired out to a contractor or contractors, as hereinafter provided, the warden shall employ said convicts, such as are not sentenced to solitary confinement, in useful labor, as far as practicable, such as may be profitably conducted within the prison walls;

SEC. 13. It shall be the duty of the commissioners to hire out to a contractor or contractors all the convicts able to perform manual labor, to be worked within the walls of the penitentiaries. Such hiring shall be to the highest and best bidder, after due advertising, and the labor in both penitentiaries may be hired to one person, or the labor in whole or in part in each penitentiary may be hired to different contractors. The commissioners shall make it a condition precedent to the consummation of the contract, that the number of the convicts so hired may vary, and such variation in number shall in no wise affect the contract or impair its obligation. Each bid shall specify the price proposed to be paid for the labor per head, and shall be accompanied by a bond with sureties, who shall be worth in the aggregate double the amount that may be due the State at any time under the stipulations of the proposed contract, to the satisfaction of the commissioners that the bidder will comply with the terms thereof. The bid shall be opened by the commissioners on the last day named in the advertisement for receiving the same, and be awarded to the highest and best bidder, the commissioners having the right to reject all bids. The price agreed to be paid shall be paid in monthly or quarterly installments by the contractor as the commissioners may determine, and it is hereby made a condition precedent to the contract that on failure of lessee or lessors to pay any installment within one month after same is due, the commissioners may elect to declare the lease forfeited on payment of rent, giving the lessees thirty days' notice in writing declaring a

forfeiture thereof, and the commissioners may take possession without further notice. The term for which said convicts may be hired shall not be more than four years with the privilege of renewal, and the contractor shall obligate himself to faithfully conform to all the rules and regulations that may be established by the commissioners touching all sanitary and police matters, and for the government of the prison. Upon the execution of the bond as above required, and the acceptance of the bid, the contractor shall be entitled to the labor of said convicts, the various shops and power therein belonging to the State. But [if] after due advertisement as above set forth, the commissioners [shall] fail to secure such a bid as is acceptable to them, then they may hire the convicts to a contractor or contractors, by private contract, and such contract, when made, shall be consummated in all respects, and shall contain the same stipulations and provisions, as is required in this section for a contractor who hires said convicts by public bid. * * *

Vetted by the governor on the first day of March, 1898.

Passed through the senate on the fifth day of March, 1898, the objections of the governor to the contrary notwithstanding.

Passed through the house of representatives on the fifth day of March, 1898, the objections of the governor to the contrary notwithstanding.

CHAPTER 15.—*Payment of wages to mine employees and coercion of same to buy at company stores.*

SECTION 1. All persons, associations, companies and corporations employing the service of ten or more persons in any mining work or mining industry in this Commonwealth, shall on or before the sixteenth day of each month pay for the month previous such servant or employees on his or their order in lawful money of the United States the full amount of wages due such servant or employees rendering such services. But if such person, corporation or company, after using due diligence, is unable to make said payment as above required he or it shall within fifteen days thereafter make out a pay roll and statement of amount due each employee and also a due bill for said sum bearing interest from said sixteenth day of the month, and deliver same to each of said employees.

SEC. 2. It shall be unlawful for any person or persons, association company, or corporation employing others, as described in section one, either directly or indirectly, to coerce or require any such servant or employee to deal with or purchase any article of food, clothing or merchandise of any kind whatever, from any person, association, corporation or company, or at any place or store whatever. And it shall be unlawful for any of such employers as described in the first section to exclude from work, or to punish or black list any of said employees for failure to deal with any other or to purchase any article of food, clothing or merchandise whatever from any other or at any place or store whatever.

SEC. 3. Any person or persons, company or corporation described in the first section that shall violate any of the provisions of this act shall be guilty of a misdemeanor and on conviction shall be fined not less than fifty dollars nor more than one hundred dollars for each offense, and the doing or failure to do any act or thing required by this act shall constitute a separate offense.

Received by the governor March 2, 1898.

Became a law at the expiration of ten days without the governor's approval.

NEW YORK.

ACTS OF 1898

CHAPTER 133.—*Convict labor.*

SECTION 1. The superintendent of State prisons is hereby authorized to employ not to exceed two hundred convicts confined in Clinton prison in the improvement of the highways between said Clinton prison and the village of Saranac, in the town of Saranac, in the county of Clinton.

SEC. 2. This act shall take effect immediately.

Became a law March 28, 1898, with the approval of the governor. Passed, three-fifths being present.

CHAPTER 645.—*Convict labor—Limitation of printing, etc., to be done in penal institutions.*

SECTION 1. No printing or photo-engraving shall be done in any State prison, penitentiary, or reformatory for the State or any political division thereof, or for any public institution owned or managed and controlled by the State or any such political division except such printing as may be required for or used in the penal and State charitable institutions, and the reports of the State commission of prisons and the superintendent of prisons, and all printing required in their offices.

SEC. 2. This act shall take effect immediately.

Became a law April 29, 1898, with the approval of the governor. Passed, three-fifths being present.

CHAPTER 671.—*Prevention of fraudulent representation in labor organizations.*

SECTION 1. Any person who represents himself or herself to be a member of or who claims to represent a labor organization which does not exist within the State at the time of such representation, or who has in his or her possession a credential, certificate, or letter of introduction bearing a fraudulent seal, or bearing the seal of a labor organization which has ceased to exist, and does not exist at the time of such representation, and attempts to gain admission by the use of said credential, certificate, or letter of introduction as a member of any convention or meeting of representatives of labor organizations of the State, shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not less than twenty dollars nor more than fifty dollars, and imprisonment for not less than ten days nor more than thirty days in the jail of the county wherein such conviction is had, or by both such fine and imprisonment.

SEC. 2. This act shall take effect immediately.

Became a law April 30, 1898, with the approval of the governor. Passed, a majority being present.

DISTRICT OF COLUMBIA.

ACTS OF 1897-98.

CHAPTER 467.—*Examination, licensing, etc., of plumbers and gas fitters.*

SECTION 1. The Commissioners of the District of Columbia are hereby authorized to appoint a plumbing board to be composed of two master plumbers, one journeyman plumber competent to be licensed as master plumber, and two employees of the District of Columbia having a knowledge of plumbing and gas fitting and sanitary work, whose compensation shall be three hundred dollars per annum each, payable monthly. A majority of the board shall be deemed competent for action.

SEC. 2. In addition to such advisory duties as said Commissioners shall assign them, it shall be the duty of said plumbing board to examine all applicants for license as master plumbers or gas fitters, and to report to said Commissioners, who, if satisfied from such report that the applicant is a fit person to engage in the business of plumbing or gas fitting, shall issue a license to such person to engage in such business.

SEC. 3. Applicants for licenses as master plumbers or gas fitters must be twenty-one years of age, must make application in their own handwriting, and must accompany such application with a certificate as to good character, signed by at least three reputable citizens of the District of Columbia.

SEC. 4. The fee for a license as master plumber or gas fitter shall be three dollars.

SEC. 5. It shall be unlawful for any person to engage in the work of plumbing or gas fitting in the District of Columbia unless he is licensed as provided in this act, or is an employee of a licensed master plumber.

SEC. 6. It shall be unlawful for the owner or lessee of any building in the District of Columbia, or the agent or representative of such owner or lessee, to knowingly employ an unlicensed person to do plumbing or gas fitting in or about such building.

SEC. 8. Any person violating any of the provisions of this act shall, on conviction ^{thereof} by the police court, be punished by a fine of not less than five dollars nor

more than one hundred dollars; and in default of payment of such fine such person shall be confined in the workhouse of the District of Columbia for a period not exceeding six months; and all prosecutions under this act shall be in the police court of said District, in the name of the District of Columbia.

SEC. 9. This act shall go into effect thirty days from and after its approval, and all acts inconsistent herewith are hereby repealed.

Approved, June 18, 1898.

UNITED STATES.

ACTS OF 1897-98.

CHAPTER 370.—*Arbitration of labor disputes between common carriers engaged in interstate commerce and their employees—Forfeiture of membership in national trade unions for violence, intimidation, etc.—Right of employees of railroads in hands of Federal receivers to be heard in court on questions affecting terms of their employment, etc.—Protection of employees of interstate railroads as members of labor unions, etc.*

SECTION 1. The provisions of this act shall apply to any common carrier or carriers and their officers, agents, and employees, except masters of vessels and seamen, as defined in section forty-six hundred and twelve, Revised Statutes of the United States, engaged in the transportation of passengers or property wholly by railroad, or partly by railroad and partly by water, for a continuous carriage or shipment, from one State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States. The term "railroad" as used in this act shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease; and the term "transportation" shall include all instrumentalities of shipment or carriage. The term "employees" as used in this act shall include all persons actually engaged in any capacity in train operation or train service of any description, and notwithstanding that the cars upon or in which they are employed may be held and operated by the carrier under lease or other contract: *Provided, however,* That this act shall not be held to apply to employees of street railroads and shall apply only to employees engaged in railroad train service. In every such case the carrier shall be responsible for the acts and defaults of such employees in the same manner and to the same extent as if said cars were owned by it and said employees directly employed by it, and any provisions to the contrary of any such lease or other contract shall be binding only as between the parties thereto and shall not affect the obligations of said carrier either to the public or to the private parties concerned.

SEC. 2. Whenever a controversy concerning wages, hours of labor, or conditions of employment shall arise between a carrier subject to this act and the employees of such carrier, seriously interrupting or threatening to interrupt the business of said carrier, the chairman of the Interstate Commerce Commission and the Commissioner of Labor shall, upon the request of either party to the controversy, with all practicable expedition, put themselves in communication with the parties to such controversy, and shall use their best efforts, by mediation and conciliation, to amicably settle the same; and if such efforts shall be unsuccessful, shall at once endeavor to bring about an arbitration of said controversy in accordance with the provisions of this act.

SEC. 3. Whenever a controversy shall arise between a carrier subject to this act and the employees of such carrier which can not be settled by mediation and conciliation in the manner provided in the preceding section, said controversy may be submitted to the arbitration of a board of three persons, who shall be chosen in the manner following: One shall be named by the carrier or employer directly interested; the other shall be named by the labor organization to which the employees directly interested belong, or, if they belong to more than one, by that one of them which specially represents employees of the same grade and class and engaged in services of the same nature as said employees so directly interested: *Provided, however,* That when a controversy involves and affects the interests of two or more classes and grades of employees belonging to different labor organizations, such

arbitrator shall be agreed upon and designated by the concurrent action of all such labor organizations; and in cases where the majority of such employees are not members of any labor organization, said employees may by a majority vote select a committee of their own number, which committee shall have the right to select the arbitrator on behalf of said employees. The two thus chosen shall select the third commissioner of arbitration; but, in the event of their failure to name such arbitrator within five days after their first meeting, the third arbitrator shall be named by the commissioners named in the preceding section. A majority of said arbitrators shall be competent to make a valid and binding award under the provisions hereof. The submission shall be in writing, shall be signed by the employer and by the labor organization representing the employees, shall specify the time and place of meeting of said board of arbitration, shall state the questions to be decided, and shall contain appropriate provisions by which the respective parties shall stipulate, as follows:

First. That the board of arbitration shall commence their hearings within ten days from the date of the appointment of the third arbitrator, and shall find and file their award, as provided in this section, within thirty days from the date of the appointment of the third arbitrator; and that pending the arbitration the status existing immediately prior to the dispute shall not be changed: *Provided*, That no employee shall be compelled to render personal service without his consent.

Second. That the award and the papers and proceedings, including the testimony relating thereto certified under the hands of the arbitrators and which shall have the force and effect of a bill of exceptions, shall be filed in the clerk's office of the circuit court of the United States for the district wherein the controversy arises or the arbitration is entered into, and shall be final and conclusive upon both parties, unless set aside for error of law apparent on the record.

Third. That the respective parties to the award will each faithfully execute the same, and that the same may be specifically enforced in equity so far as the powers of a court of equity permit: *Provided*, That no injunction or other legal process shall be issued which shall compel the performance by any laborer against his will of a contract for personal labor or service.

Fourth. That employees dissatisfied with the award shall not by reason of such dissatisfaction quit the service of the employer before the expiration of three months from and after the making of such award without giving thirty days' notice in writing of their intention so to quit. Nor shall the employer dissatisfied with such award dismiss any employee or employees on account of such dissatisfaction before the expiration of three months from and after the making of such award without giving thirty days' notice in writing of his intention so to discharge.

Fifth. That said award shall continue in force as between the parties thereto for the period of one year after the same shall go into practical operation, and no new arbitration upon the same subject between the same employer and the same class of employees shall be had until the expiration of said one year if the award is not set aside as provided in section four. That as to individual employees not belonging to the labor organization or organizations which shall enter into the arbitration, the said arbitration and the award made therein shall not be binding, unless the said individual employees shall give assent in writing to become parties to said arbitration.

SEC. 4. The award being filed in the clerk's office of a circuit court of the United States, as hereinbefore provided, shall go into practical operation, and judgment shall be entered thereon accordingly at the expiration of ten days from such filing, unless within such ten days either party shall file exceptions thereto for matter of law apparent upon the record, in which case said award shall go into practical operation and judgment be entered accordingly when such exceptions shall have been finally disposed of either by said circuit court or on appeal therefrom.

At the expiration of ten days from the decision of the circuit court upon exceptions taken to said award, as aforesaid, judgment shall be entered in accordance with said decision unless during said ten days either party shall appeal therefrom to the circuit court of appeals. In such case only such portion of the record shall be transmitted to the appellate court as is necessary to the proper understanding and consideration of the questions of law presented by said exceptions and to be decided.

The determination of said circuit court of appeals upon said questions shall be final, and being certified by the clerk thereof to said circuit court, judgment pursuant thereto shall thereupon be entered by said circuit court.

If exceptions to an award are finally sustained, judgment shall be entered setting aside the award. But in such case the parties may agree upon a judgment to be entered disposing of the subject-matter of the controversy, which judgment when entered shall have the same force and effect as judgment entered upon an award.

SEC. 5. For the purposes of this act the arbitrators herein provided for, or either

of them, shall have power to administer oaths and affirmations, sign subpoenas, require the attendance and testimony of witnesses, and the production of such books, papers, contracts, agreements, and documents material to a just determination of the matters under investigation as may be ordered by the court; and may invoke the aid of the United States courts to compel witnesses to attend and testify and to produce such books, papers, contracts, agreements and documents to the same extent and under the same conditions and penalties as is provided for in the act to regulate commerce, approved February fourth, eighteen hundred and eighty-seven, and the amendments thereto.

SEC. 6. Every agreement of arbitration under this act shall be acknowledged by the parties before a notary public or clerk of a district or circuit court of the United States, and when so acknowledged a copy of the same shall be transmitted to the chairman of the Interstate Commerce Commission, who shall file the same in the office of said commission.

Any agreement of arbitration which shall be entered into conforming to this act, except that it shall be executed by employees individually instead of by a labor organization as their representative, shall, when duly acknowledged as herein provided, be transmitted to the chairman of the Interstate Commerce Commission, who shall cause a notice in writing to be served upon the arbitrators, fixing a time and place for a meeting of said board, which shall be within fifteen days from the execution of said agreement of arbitration: *Provided, however,* That the said chairman of the Interstate Commerce Commission shall decline to call a meeting of arbitrators under such agreement unless it be shown to his satisfaction that the employees signing the submission represent or include a majority of all employees in the service of the same employer and of the same grade and class, and that an award pursuant to said submission can justly be regarded as binding upon all such employees.

SEC. 7. During the pendency of arbitration under this act it shall not be lawful for the employer, party to such arbitration, to discharge the employees, parties thereto, except for inefficiency, violation of law, or neglect of duty; nor for the organization representing such employees to order, nor for the employees to unite in, aid, or abet, strikes against said employer; nor, during a period of three months after an award under such an arbitration, for such employer to discharge any such employees, except for the causes aforesaid, without giving thirty days' written notice of an intent so to discharge; nor for any of such employees, during a like period, to quit the service of said employer without just cause, without giving to said employer thirty days' written notice of an intent so to do; nor for such organization representing such employees to order, counsel, or advise otherwise. Any violation of this section shall subject the offending party to liability for damages: *Provided,* That nothing herein contained shall be construed to prevent any employer, party to such arbitration, from reducing the number of its or his employees whenever in its or his judgment business necessities require such reduction.

SEC. 8. In every incorporation under the provisions of chapter five hundred and sixty-seven of the United States Statutes of eighteen hundred and eighty-five and eighteen hundred and eighty-six it must be provided in the articles of incorporation and in the constitution, rules, and by-laws that a member shall cease to be such by participating in or by instigating force or violence against persons or property during strikes, lockouts, or boycotts, or by seeking to prevent others from working through violence, threats, or intimidations. Members of such incorporations shall not be personally liable for the acts, debts, or obligations of the corporations, nor shall such corporations be liable for the acts of members or others in violation of law; and such corporations may appear by designated representatives before the board created by this act, or in any suits or proceedings for or against such corporations or their members in any of the Federal courts.

SEC. 9. Whenever receivers appointed by Federal courts are in the possession and control of railroads, the employees upon such railroads shall have the right to be heard in such courts upon all questions affecting the terms and conditions of their employment, through the officers and representatives of their associations, whether incorporated or unincorporated, and no reduction of wages shall be made by such receivers without the authority of the court therefor upon notice to such employees, said notice to be not less than twenty days before the hearing upon the receivers' petition or application, and to be posted upon all customary bulletin boards along or upon the railway operated by such receiver or receivers.

SEC. 10. Any employer subject to the provisions of this act and any officer, agent, or receiver of such employer who shall require any employee, or any person seeking employment, as a condition of such employment, to enter into an agreement, either written or verbal, not to become or remain a member of any labor corporation, association, or organization; or shall threaten any employee with loss of employment, or shall unjustly discriminate against any employee because of his membership in

such a labor corporation, association, or organization; or who shall require any employee or any person seeking employment, as a condition of such employment, to enter into a contract whereby such employee or applicant for employment shall agree to contribute to any fund for charitable, social, or beneficial purposes; to release such employer from legal liability for any personal injury by reason of any benefit received from such fund beyond the proportion of the benefit arising from the employer's contribution to such fund; or who shall, after having discharged an employee, attempt or conspire to prevent such employee from obtaining employment, or who shall, after the quitting of an employee, attempt or conspire to prevent such employee from obtaining employment, is hereby declared to be guilty of a misdemeanor, and, upon conviction thereof in any court of the United States of competent jurisdiction in the district in which such offense was committed, shall be punished for each offense by a fine of not less than one hundred dollars and not more than one thousand dollars.

SEC. 11. Each member of said board of arbitration shall receive a compensation of ten dollars per day for the time he is actually employed, and his traveling and other necessary expenses; and a sum of money sufficient to pay the same, together with the traveling and other necessary and proper expenses of any conciliation or arbitration had hereunder, not to exceed ten thousand dollars in any one year, to be approved by the chairman of the Interstate Commerce Commission and audited by the proper accounting officers of the Treasury, is hereby appropriated for the fiscal years ending June thirtieth, eighteen hundred and ninety-eight, and June thirtieth, eighteen hundred and ninety-nine, out of any money in the Treasury not otherwise appropriated.

SEC. 12. The act to create boards of arbitration or commission for settling controversies and differences between railroad corporations and other common carriers engaged in interstate or territorial transportation of property or persons and their employees, approved October first, eighteen hundred and eighty-eight, is hereby repealed.

Approved, June 1, 1898.

CHAPTER 511.—*Wages preferred in payments by trustees of bankrupt estates.*

SECTION 64. DEBTS WHICH HAVE PRIORITY.—a The court shall order the trustee to pay all taxes legally due and owing by the bankrupt to the United States, State, county, district, or municipality in advance of the payment of dividends to creditors,

b The debts to have priority, except as herein provided, and to be paid in full out of bankrupt estates, and the order of payment shall be (1) the actual and necessary cost of preserving the estate subsequent to filing the petition; (2) the filing fees paid by creditors in involuntary cases; (3) the cost of administration, including the fees and mileage payable to witnesses as now or hereafter provided by the laws of the United States, and one reasonable attorney's fee, for the professional services actually rendered, irrespective of the number of attorneys employed, to the petitioning creditors in involuntary cases, to the bankrupt in involuntary cases while performing the duties herein prescribed, and to the bankrupt in voluntary cases, as the court may allow; (4) wages due to workmen, clerks, or servants which have been earned within three months before the date of the commencement of proceedings, not to exceed three hundred dollars to each claimant; and (5) debts owing to any person who by the laws of the States or the United States is entitled to priority.

Approved, July 1, 1898.

CHAPTER 516.—*Department of Labor—Bulletins to publish official statistics of cities.*

(Page 618.)

SECTION 1. * * * The Commissioner of Labor is authorized to compile and publish annually, as a part of the Bulletin of the Department of Labor, an abstract of the main features of the official statistics of the cities of the United States having over thirty thousand population. * * *

Approved, July 1, 1898.

JOINT RESOLUTION No. 55.—*Annexation of the Hawaiian Islands—Chinese immigration prohibited.*

SECTION 1. * * * . There shall be no further immigration of Chinese into the Hawaiian Islands, except upon such conditions as are now or may hereafter be allowed by the laws of the United States; and no Chinese, by reason of anything herein contained, shall be allowed to enter the United States from the Hawaiian Islands. * * * .

Approved, July 7, 1898.

RECENT GOVERNMENT CONTRACTS.

[The Secretaries of the Treasury, War, and Navy Departments have consented to furnish statements of all contracts for constructions and repairs entered into by them. These, as received, will appear from time to time in the Bulletin.]

The following contracts have been made by the office of the Supervising Architect of the Treasury:

POTTSVILLE, PA.—July 16, 1898. Contract with Prescott, Buckley & Callanan, Albany, N. Y., for construction (except heating apparatus) of post-office, \$32,440. Work to be completed within eight months.

AKRON, OHIO—July 21, 1898. Contract with J. W. Myers & Co., Ashland, Ohio, for construction (except heating apparatus and electric-wire conduits) of post-office, \$43,819.44. Work to be completed within nine months.

WASHINGTON, D. C.—August 13, 1898. Contract with Eaton & Prince Company, Chicago, Ill., for five hydraulic passenger and freight elevators, three hydraulic mail lifts, one electric passenger elevator, and two electric freight lifts for city post-office building, \$45,000. Work to be completed within six months.

ELLIS ISLAND, N. Y.—August 15, 1898. Contract with R. H. Hood Co., New York, N. Y., for construction of main buildings for immigrant station, \$419,298. Work to be completed within twelve months.

MILWAUKEE, WIS.—August 15, 1898. Contract with Crane Elevator Company, Chicago, Ill., for elevators for post-office, court-house, and custom-house, \$10,500. Work to be completed within ninety days.

BULLETIN

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ISSUED EVERY OTHER MONTH.

EDITED BY
CARROLL D. WRIGHT,
COMMISSIONER.

OREN W. WEAVER,
CHIEF CLERK.

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BULLETIN
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DEPARTMENT OF LABOR.

No. 19.

WASHINGTON.

NOVEMBER, 1898.

**THE ALASKAN GOLD FIELDS AND THE OPPORTUNITIES THEY
OFFER FOR CAPITAL AND LABOR.**

BY SAM. C. DUNHAM.

[Bulletin No. 16, the issue for May, 1898, contained an article under the above title by Mr. Samuel C. Dunham, an agent of this Department, giving the results of a personal investigation in the mining districts of the Yukon Valley and adjoining territory. Mr. Dunham has since returned to Washington, and supplements his former statement with the following report of his later investigations from January 8 to August 1, 1898. He acknowledges his indebtedness to Mr. John D. McGillivray for valuable information.—C. D. W.]

The ice in the Yukon broke at Circle City on May 12, but the river at that point was not free of running ice until the 19th, when small boats began to arrive from upriver points. This date found the community with food supplies sufficient to last until the arrival of the first steamboats, although there was a scarcity of some articles, such as canned fruits and condensed milk. Moose meat was scarce during the early part of the winter, and sold as high as \$2 per pound, but later it became plentiful, selling as low as 50 cents per pound. On January 10 there were about 200 people in the town, but a month later the population had increased to 350 through arrivals from Fort Yukon and Dawson, while at the break-up of the river there were less than 150 people there, large numbers having departed in March for Dawson and many having gone to the Birch Creek mines to prepare for summer work.

About 350 men passed the greater part of the winter at Fort Yukon, and many of these were engaged a large portion of the time in cutting wood for the two commercial companies. They received \$5 per cord,

and cut about 6,500 cords. Eighteen men from Fort Yukon spent two or three months in prospecting on the Upper Porcupine and Salmon rivers, returning in April or May, and reporting that nothing had been found. A party of twelve went to the southward on a prospecting trip in the Beaver River country, and had not returned up to June 27. It is therefore impossible to verify the current rumors relative to rich strikes on that stream and its tributaries. Twenty-one went to the headwaters of the Gens de Large River, a stream emptying into the Yukon from the north about 30 miles below Fort Yukon, and from there crossed over to the headwaters of the Koyukuk. They reported that good prospects were found on numerous tributaries of the Koyukuk, but no ground of unusual richness was found. The diggings are about 400 miles from the mouth of the stream, and can be reached by small steamers. During the latter part of the winter a few men left Fort Yukon for Minook, and a large number went to Circle City and Dawson, so that by June 6 there were but ninety people, exclusive of Indians, in the town, and all but ten or twelve of these left for upriver points during June.

There was considerable sickness at Fort Yukon, and the small hospital was full nearly all winter, three deaths occurring. There were fifteen men who were too old or feeble to work, their ages ranging from 55 to 70 years. Much sickness prevailed among the Indians, principally of a pulmonary character, and there were nineteen deaths between August 1, 1897, and June 1, 1898.

A record of the temperature last winter and spring at Fort Yukon, which is just within the Arctic Circle, shows that the average temperature for December was 8 degrees below zero; January, 24 degrees below; February, 20 degrees below; March, 6 degrees above; April, 36 degrees above; May, 49 degrees above. The coldest day was January 16, when the thermometer registered 62 degrees below zero. The longest period of continuous low temperature was from February 14 to 23, inclusive, the thermometer showing for the ten days the following readings below zero: 40, 48, 52, 52½, 42, 52½, 54, 42, 56, 38. While dwellers in more salubrious climates will no doubt read these figures with a shiver, the old-timers are unanimous in saying that the winter of 1897-98 was the mildest ever known in Northern Alaska. Be this as it may, the weather on the Yukon last winter, on account of the dryness of the atmosphere and the absence of winds, was almost uniformly pleasant. A temperature of 50 degrees below zero there brings no more discomfort than 30 degrees below in the Dakotas. The writer has experienced far more disagreeable weather in Minnesota and Montana than that which prevailed last winter at Circle City.

The principal interest in mining on the Yukon still centers in the Klondike district, but there was considerable activity during the winter on the American side. A number of stampedes from Dawson to the Forty Mile, American Creek, and Seventy Mile districts occurred, and all of creeks in those districts were restaked, while many

new creeks were located and to some extent prospected. The most notable developments were on streams near the head of Forty Mile, the best results being shown by Chicken Creek, which enters Forty Mile about 125 miles from its mouth. Discovery claim on Chicken Creek is reported to have produced \$70,000 during the season, only five men being employed. Dome Creek, in American territory, has shown \$4 to the pan. Large areas of placer ground on Forty Mile and its tributaries were located in 20-acre claims for hydraulic purposes, quite a number of associations of eight persons taking up 160-acre tracts, as they are allowed to do under the United States mining laws. Many claims thus relocated have in the past produced from \$6 to \$10 per day to the man, but were abandoned for the richer ground on the Klondike, and it is the opinion of experts that large returns will be obtained under hydraulic processes. Several companies have made contracts for the introduction of hydraulic machinery, and it is probable that during the season of 1899 a thorough test will be made of the possibilities in this direction. The output for the past season is estimated at \$200,000. Several hundred men ascended Forty Mile during the spring, and in the latter part of June prospectors were passing up the stream at the rate of fifty per day. As most of those entering the district are practical miners and fairly well outfitted, it is safe to predict that Forty Mile will show a large output as the result of the coming season's work.

The American Creek district was thoroughly prospected last winter and a great deal of development work was done, but it was impossible to secure any accurate data in regard to the output. It is reported that some claims yielded 3 ounces per day to the man. Several claims have been sold at prices ranging from \$5,000 to \$15,000. At the mouth of Mission Creek, of which stream American Creek is a tributary, a town known as Eagle City has sprung up during the past few months, and on June 25 there were about 300 people there, living principally in tents. A number of substantial log houses have been built, and many more are in course of construction. This is the natural distributing point for the Forty Mile district, there being a short portage over a low divide, and the mines at the head of Seventy Mile can also be reached from American Creek. The commercial companies are establishing trading posts at Eagle City with a view of supplying the American Creek, Forty Mile, and Seventy Mile diggings. Capt. P. H. Ray, U. S. A., located a military reservation at Eagle City in February last, and has recommended the establishment of a post there.

Much prospecting and some development work have been done in the Seventy Mile district. Over forty new creeks have been staked, the locations numbering over a thousand. A few sales are reported at small prices. Old timers have great faith in the future of Seventy Mile, and hundreds of men will try their luck in the district the coming year. A town site has been located at the mouth of Seventy Mile Creek, and the place is known as Star City. A number of buildings were in course

of construction there June 25 and the town contained a population of about 250.

The Birch Creek district, for which Circle City is the distributing point, still maintains its position as the richest and most productive gold field on the American side. A score or more of the owners of Birch Creek claims returned from Dawson during the winter and worked their properties in a limited way, the scarcity of miners and supplies making it impossible to operate the mines to their full capacity. Early in June the owners of two adjoining claims on Mastodon Creek sent requisitions to their agents in Circle City for 200 miners for summer work, but they were able to secure the services of only 8 or 10 men. At that time about 350 men were at work in the district, and it is estimated that the output will reach \$500,000, half of this product coming from Mastodon. Eagle Creek has produced some dumps which washed up \$2.50 to the bucket or 50 cents to the pan. A rich discovery was made during the winter on the North (or Miller) Fork of Eagle Creek, prospects showing as high as \$2 to the pan. Many 20-acre claims have been located in the district for hydraulic purposes, and a number of properties have been bonded, sales of this nature having been made at prices ranging from \$5,000 to \$40,000. Wages remain at \$1 per hour.

Coal Creek, 50 miles above Circle City, was thoroughly prospected during the winter, and was staked for 30 miles. While no large pay was found, the creek promises well for hydraulic operations. This statement is also true of many creeks in the American Creek and Seventy Mile districts.

On April 16 a discovery was made on Jefferson Creek, a small stream coming into the Yukon from the eastward about 4 miles above Circle City. The discovery was made about 8 miles from the mouth of the creek, 13 cents being found in the first pan washed. A stampede immediately followed, and within two days the creek was staked from its mouth to its source, a distance of 16 miles, and many of the tributaries were also staked. Some attempt has been made to boom this creek, but up to June 25 no pay had been found, although a shaft had been sunk to bed rock, the prospectors employed in this work reporting that they did not find a color.

About twenty Birch Creek miners left the district in midwinter on a prospecting trip to the Tanana River, whence marvelous tales of rich placer ground have come for several years. They struck the stream about 150 miles southwest of Circle City, and sank several holes to bed rock, but found nothing. It is reported that a party of prospectors who reached the headwaters of the Tanana by way of Forty Mile Creek found good pay on several small creeks, but these reports lack confirmation.

The Minook district shows very satisfactory developments as the result of last winter's work. Three or four steamboats, having several

hundred passengers aboard, were caught in the ice last fall in that vicinity, and a town known as Rampart City sprang up at the mouth of Minook Creek, about 50 miles above the Tanana. The town, which is well built, had a population during the winter of four or five hundred, many of whom thoroughly prospected quite a number of the principal creeks in the district. No ground of value has been opened up on Minook Creek. Little Minook, which enters Minook Creek about 8 miles from the Yukon, has proved to be the best creek in the district. There are about thirty claims on the creek, each 1,000 feet in length, and most of them paid wages. From No. 6 to No 10, inclusive, the claims are rich, so far as developed. No. 8 produced \$30,000 from 45 feet of ground. This output was the result of five months' work by two men. Nos. 6 and 9 are also very rich. On Hunter Creek, 2 miles nearer the Yukon, coarse gold has been found all along the creek. Two men on No. 1, above Discovery, shoveled in for a short time from the rim rock, 10 feet above the bed of the creek, and averaged \$20 each per day for the time employed. There is pay in the benches along Hunter Creek. Quail Creek, which is near the head of Hunter Creek, was discovered late in the season, and 15 or 20 men are working there. The ground is shallow, making good summer diggings. Prospects running from 25 to 40 cents to the pan have been found. On Julia, Leonora, Miller, Hoosier, Gold Pan, and Chapman creeks, all of which run into Minook parallel with Little Minook, coarse gold has been found. The claims have not been worked, but simply represented. About April 10, 1898, a discovery was made on the hillside above No. 9, on Little Minook, and within a few days \$1.60 to the pan was obtained. There was immediately a stampede, and the hilltops between Little Minook and the Yukon were all staked. This formation is similar to that on the hills between Eldorado Creek and Skookum Gulch in the Klondike district. It is supposed to be an old river bed or glacier channel, and can be distinctly traced for miles by the bowlders and the gravel shown on the surface. With a crude rocker \$67.50 was taken out in six hours, and the hillside claims have yielded nuggets weighing from \$4 to \$8 each. Work is being prosecuted there now. The claims are 1,000 by 660 feet. Surface water is utilized in the spring for washing up the dumps. Minook gold is coarse and very pure, the returns of the Seattle assay office showing that it mints \$19.50 per ounce. The largest nugget taken out in the Minook district during the winter weighed \$184. A great many nuggets were found, the owner of No. 8 on Little Minook having taken out \$3,500 in nuggets weighing from \$6 to \$60 each. There are a great many creeks in the district which have not been staked or prospected. Several quartz locations have been recorded, but they have not been proved to be of value. The ore is refractory, selected specimens assaying as high as \$200 per ton. There is plenty of wood on every creek for cabins and firewood, while there is an abundance of water and sufficient grade for sluicing. The

total output for the district for the season was between \$100,000 and \$120,000. On Russian Creek, which enters the Yukon about 4 miles below Rampart City, good prospects have been found, running from 15 to 30 cents to the pan.

As predicted in the former report, there was no serious shortage of supplies in Dawson during the winter, although many articles of luxury were exhausted long before the opening of the river. Condensed milk sold for \$3 per can; tobacco, \$5 to \$10 per pound; coal oil, \$40 per gallon, and whisky, \$40 to \$75 per gallon. A representative of the Alaska Commercial Company made the following statement:

Flour sold as high as \$180 per sack of 50 pounds, a great deal being sold for from \$50 to \$150 per sack. A large number of men who had good outfits sold them and went out over the ice, and this greatly relieved the situation as to the food supply. We asked the miners to let us keep as much food as they could spare in order that we might help out others; so, from time to time, we had some supplies for cases where there was actual need. A man could buy from us a sack of flour for \$6 and go outside and sell it for \$150. There was the greatest inducement to rascality. The police could not arrest a man and confine him for the reason that they could not feed him at the barracks. They could not punish a man for stealing. Up to the time of the break up of the ice flour sold as high as \$60 per sack, although it sold on the gulches in March as low as \$30. During the winter moose meat was obtainable at \$1 to \$1.25 per pound. Beef lasted till spring, when some of it had to be thrown away; price, \$1 per pound. Mutton lasted nearly all winter, and sold uniformly at \$1 per pound. In my opinion the difficulties in regard to the food supply will be twenty times more serious this year than last, and unless immediate steps are taken to get the destitute people out of the country the Government will be obliged to issue rations to at least 10,000 people at Fort Yukon and St. Michaels during the coming winter.

Firewood cost \$40 per cord during the winter as a rule, as high as \$60 and \$75 being paid in special cases.

Nails sold for \$5 per pound.

Small boats began to arrive from the lakes during the second week in May, bringing down large quantities of fresh vegetables, eggs, and fruit, as well as many other articles of luxury.

Oranges and lemons sold as rapidly as they could be handed out for \$1.50 apiece, while apples met a ready sale at \$1 apiece. As late as June 12 oranges sold for 75 cents apiece, lemons and apples bringing 50 cents. On June 24 oranges cost 50 cents apiece and lemons \$3 per dozen.

The first eggs brought down the river sold for \$18 per dozen. Within a week they dropped to \$10; on June 10 they were selling for \$3, and on June 15 they could be bought for \$1.50, but their quality was not guaranteed.

Oysters, on the opening of navigation, sold for \$20 per can, and on June 25 cost \$10.

Canned roast beef sold at \$1.40 per pound; moose meat, \$1.75 per

pound; ham, \$1.75 per pound; fresh sausage, \$1.25 per pound; fresh fish, \$1.25 per pound; sugar, \$1 per pound; condensed milk, \$1.50 per can; salt, 50 cents per pound; lobster (one-half pound can), \$3; fresh onions, \$1.50 per pound; potatoes, \$1 per pound; canned butter (2½ pounds), \$10; canned tomatoes, \$3.

As late as June 25 tobacco was selling at retail for from \$5 to \$7.50 per pound; cigars, \$25 per 100, and cigarettes, 50 cents per package.

On the above date flour sold on the river bank for from \$3 to \$6 a sack; bacon, 25 to 40 cents per pound; granulated potatoes, 35 to 50 cents per pound; butter, \$1 per pound. These abnormally low prices were due to the fact that the sellers had become disgusted with the situation and were anxious to leave the country.

During the latter part of the winter there was a whisky famine, what little stock there was being in the hands of a few saloon keepers, who charged \$1 per drink. The first liquor to reach Dawson from upriver was 100 gallons of brandy, which sold for \$75 per gallon. A favored individual, who had a permit for the entry of 2,000 gallons of whisky, arrived in Dawson early in May, and within an hour sold his cargo in bulk for \$45 per gallon. He subsequently assured his friends that after paying all fees and legitimate expenses he had cleared by his venture the sum of \$60,000. This supply was consumed within a few days. On June 8 the steamer *May West* arrived from below with 16 barrels of whisky, which was retailed by several saloons at \$1 per drink. The steamer *Weare*, which arrived on June 11, brought up from Fort Yukon 47 barrels of whisky and high wines and several tons of case liquors. The whisky was immediately distributed among the numerous saloon keepers, in accordance with orders placed by them, and within a few hours a score of saloons were running in full blast and selling whisky at the old price of 50 cents a drink. The price charged for the liquor by the commercial company was \$25 per gallon. One saloon keeper, whose allotment was 5 barrels, turned his purchase over to another dealer for \$37.50 per gallon, stating, as he received payment, that while he was grateful to the company for its kindness in selling him such a liberal supply, his duty to his customers required him to make the sacrifice, he having provided his bar from other sources with a better grade of whisky.

Large profits were made in clothing and all lines of furnishing goods brought down the river. Ordinary sack suits, which sell in the States for from \$10 to \$20, brought from \$50 to \$80 in Dawson; hats, which sell outside for \$1.50 at retail, sold for \$7; cowboy hats, costing \$3 at retail in the States, sold for \$10; shirts, which could be purchased outside for 75 cents, were disposed of readily for \$6; and \$3 shoes sold for \$15. Two men, who brought in a selected stock of merchandise weighing about 10 tons, sold their cargo in bulk to local dealers for \$65,000, making a profit on the transaction of \$48,000.

Notwithstanding the immense profits, amounting in many cases to

respectable fortunes, made by the more fortunate speculators, a very large proportion of those engaged in the enterprises enumerated above made but little, if any, profit, while many met with actual loss owing to the fact that the market was greatly overstocked with the lines of goods they brought in. Moreover, a number of boats loaded with merchandise were wrecked in Thirty-Mile River and at the rapids, and the owners suffered a total loss of their cargoes. So the statement made in the former report still holds good, that while this field of enterprise yields enormous returns in case of success, the difficulties and risks are so great that conservative men who know the conditions are loath to enter it.

One restaurant kept open almost continuously during the winter, with the following bill of fare tacked on the wall: "Bowl of soup, \$1; mush and milk, \$1.25; dish of canned corn, \$1.25; dish of canned tomatoes, \$2; stewed fruit, \$1.25; slice of pie, 75 cents; doughnuts, pie, or sandwich, with coffee or tea, \$1.25; beans, coffee, and bread, \$2; plain steak, \$3.50; porterhouse steak, \$5." After small boats began to arrive in May restaurants were opened on every hand, and on June 20 seventeen were running in Dawson, the charge for a regular meal being \$2.50. Meals consisted of bread and butter, coffee, soup, fish, a small moose steak or stew, a potato, eggs, and pudding or pie. A porterhouse steak ordered by the card cost \$5; poached eggs on toast, \$2; hot cakes and maple sirup, \$1. A leading restaurant, having a seating capacity of thirty-two, employed three cooks, one of whom received \$100 per week, and the others \$1 per hour. Four waiters (two men and two women) were employed on the day shift and two on the night shift—wages of the men, \$50 per week, the women receiving \$100 per month. Dishwashers and yard men received \$5 per day. All employees were boarded by the restaurant, but were required to lodge themselves. The rental of the building, which is a canvas structure 20 by 40 feet in size, was \$900 per month.

The wine card of a leading restaurant for June 20 read as follows: "Champagne, \$20 per pint, \$40 per quart; sherry \$15 per pint, \$25 per quart; claret, \$15 per pint, \$25 per quart; ale, \$5 per bottle; half-and-half, \$5 per bottle; mineral water, \$3 per bottle." Notwithstanding the high figures appearing on a Dawson wine card, it is quite as frequently consulted as the more elaborate wine card of a first-class restaurant in our large cities.

Lodging in bunk rooms, containing from 12 to 24 bunks, costs \$1.50 per night. A single room costs from \$3 to \$8 per night. In order to secure a night's lodging it is necessary to make application forty-eight hours in advance, and the application must be accompanied by the cash.

The leading gambling house and dance hall employs three bartenders, weighers, a bookkeeper, and a porter. Bartenders receive \$15 per week; bookkeeper, \$17.50; weighers, \$15; and the porter, \$10. In the

gambling department, one man at the crap game, one man at the roulette wheel, four faro dealers, one weigher, and two stud-poker dealers receive \$20 a day each. In the dance hall twelve women are employed at \$50 per week and 25 per cent commission on all drinks and cigars sold through their blandishments. Three musicians receive \$17.50 per day each. The establishment pays \$10 a barrel for water, using two barrels a day.

The proprietor of the leading saloon states that his receipts for the first three days after his "grand opening" in March amounted to \$15,000, and the average daily bar receipts from April 1 to June 20 were over \$2,000.

The Pavilion (a variety theater and dance hall) opened about the middle of June, and the bar receipts the first night were \$12,200. The theater had three actors and six actresses under engagement, at \$150 each per week. Eight girls are employed in the dance hall, their compensation being 25 per cent commission on drinks and cigars consumed by their partners. As champagne sells in this establishment for \$40 a pint, and is frequently called for, their earnings are large, even measured by Klondike standards, one girl stating that her commissions for the first week amounted to \$750.

The one tinsmith in Dawson did a large business during the winter, principally in the manufacture of stoves, over 600 having been made, ranging in price from \$40 to \$75. Quite a number of ranges were made; a range constructed of No. 16 iron, 5 by 3 feet, costing \$300, and a pastry oven with a capacity of 72 loaves costing \$560. This establishment sells a Yale night-lock for \$6 and a pair of door butts for \$16. From five to ten workmen were constantly employed during the winter, at \$1.50 per hour. The charge for outside work has been increased from \$2 to \$3 per hour.

The principal firm of contractors and builders on June 20 had twelve men employed in the shop on various kinds of woodwork, at wages ranging from \$10 to \$17 per day. Skilled woodworkers receive \$17, carpenters \$15, and laborers \$10 per day, ten hours constituting a day's work. The charge for outside work is \$20 per day. This firm charges \$250 for a poling boat 24 by 4 feet in size.

Three tailor shops were running full of orders June 20. They charge \$135 for a sack suit and \$150 for a dress suit, and pay their workmen \$1.50 per hour.

On the same date four barber shops were in operation, employing from two to five barbers each. The prices are as follows: Shaving, \$1; hair cutting, \$1.50; shampooing, \$1.50; baths, \$2.50. A barber receives 65 per cent of the receipts of his chair, making from \$15 to \$40 per day.

The four laundries in operation charge 50 cents each for washing undershirts, 75 cents for overshirts, and \$1.50 for white shirts, and pay their help \$1 per hour.

Three sawmills, running day and night at their full capacity, produce

about 800 feet per hour each. Rough lumber now costs \$150 per thousand, as against \$140 last year, a like increase having been made in the price of other grades of product. The increase in price was caused by the scarcity of logs. Wages remain the same as last year. A sawmill has been erected on Bonanza and another at the mouth of Bear Creek.

Three or four typewriter operators keep fairly busy, charging 50 cents per folio and 25 cents for duplicates.

During the winter newspapers brought in over the trail found a ready sale at \$2 apiece. On June 13 a news stand displayed for sale newspapers and periodicals as follows: New York Journal and World, April 13; San Francisco Call, May 6; Seattle Post-Intelligencer, May 8; Puck, April 6; Judge, April 9; Harper's Weekly and Leslie's Weekly, April 7; Scribner's and Cosmopolitan for April. The price of the magazines, Puck and Judge, and the Journal and World was \$1 each, while the weeklies and other papers sold for 75 cents each.

Large sums of money were made by packers at Dawson during the winter. Twelve head of horses wintered there and were used successfully in sledding supplies to the mines. One packer who worked five horses states that he cleared \$25,000 as the result of his winter's work, although he had to pay as high as \$1 per pound for feed and \$1,200 per ton for hay. This is in marked contrast with the experience of the unfortunate packer whose disastrous journey to Circle City last fall was described in the former report, and it may be interesting to state here that the three horses constituting the remnant of his pack-train returned to Dawson in March, making the trip over the ice in nineteen days and drawing 950 pounds each on sleds. On June 25 they were in excellent condition, and had been for some weeks earning \$200 a day for their owner.

Just before the breaking up of the ice on the Klondike the rates for freighting reached the highest point ever paid on the Yukon, as high as \$600 per thousand feet being charged for hauling lumber to 36 Eldorado, 17 miles from Dawson. On June 20 the rates for packing to The Forks (13 miles) was 40 cents per pound, 10 cents greater than last year, while packers receive the same wages, \$250 to \$300 per month and board. Feed is scarcer than last year, oats costing from 30 to 50 cents per pound. Hay is shipped from Seattle, and has sold this summer as low as \$250 per ton, the prevailing price being \$350 per ton.

During the spring a great many horses and mules were brought down the river in scows, and on June 25 there were between 200 and 300 head in the district, nearly all being used in packing to the mines and in prospecting. Prices ranged from \$250 to \$750 per head. At the above date there were ten 2-horse teams at work in Dawson, hauling lumber, etc., the charge for services being \$10 per hour, and all the teams were working ten or twelve hours a day. Drivers received \$300 per month and board.

Considerable attention is being paid to vegetable gardening in the

vicinity of Dawson. One man has 7 acres planted in potatoes, rutabagas, cabbage, lettuce, and radishes. He had three men employed in June at \$1.50 per hour each, and stated that he expected to make a small fortune from his garden this season.

On June 11 the Yukon Midnight Sun, the first newspaper printed in Dawson, made its appearance. It is a three-column, eight-page sheet, published weekly at \$15 per year; single copy, 50 cents. On the 16th the first number of the Klondike Nugget was issued. It is a four-column folio, issued weekly, the subscription price being \$16 per year; single copy, 50 cents. Each office employs two printers, their wages being \$1.50 per hour or \$2 per thousand ems. Up to the 20th of June between twenty-five and thirty printers had applied at the two offices for employment. The job-printing department of each office was full of orders, the charge for letter heads, billheads, and business cards being \$35 per 1,000, and for sixteenth-sheet posters, \$25 per 100. On June 25 four or five men were on the ground who announced that they had printing plants on the way, and it is probable that before the close of the summer there will be six or seven printing offices running in Dawson.

Building operations in Dawson were quite active during the spring, and on June 25 the front street, which in October last contained but a score of scattered buildings, presented for four or five blocks a solid line of substantial structures, quite a number of which cost from \$20,000 to \$30,000 each, while between two and three hundred residences had been built on the hills overlooking the town. Dressed lumber is very largely taking the place of logs in the construction of buildings.

There was great activity in the Dawson real-estate market all winter, prices steadily advancing. Property on the front street, centrally located, increased in value from \$500 to \$1,000 per front foot within two months during the latter part of the winter, and many sales were made. Residence lots near the hospital, at the lower end of town, were worth from \$250 to \$2,000, the latter price having been paid for lots on high ground near the springs. The size of residence lots in this section is 50 by 60 feet. Lots on back streets, in the flat, sell for from \$100 to \$1,000, according to location. The prices of business property on back streets fluctuated greatly. A lot 50 by 100 feet on Second avenue (the second street from the river), which sold in May for \$10,000, could have been purchased on June 25 for \$5,000. This sudden depreciation in values is attributed by property owners to the action of the Canadian authorities in leasing the river front to a syndicate for building purposes. A strip of land on the river bank, 1,050 feet in length and varying in width from 50 feet down to a point, has been appropriated as a Government reservation and leased for \$30,000 per year. The lessees charge a ground rent of \$8, \$10, and \$12 per front foot per month, the rental varying according to the depth of the lot. This

entire tract has been solidly built up, being occupied by restaurants, small stores, laundries, etc., and yields to the lessees a gross income of about \$10,000 per month.

The Alaska Commercial Company and the North American Transportation and Trading Company, working in harmony, on June 1 adopted a new scale of prices for Dawson. The price of flour was advanced from \$12 to \$16 per hundred pounds; bacon, from 40 to 50 cents per pound; ham, from 45 to 60 cents; coffee, from 50 to 75 cents; canned corned beef, tongue, etc., from 50 to 75 cents per can; canned sausage, from 75 cents to \$1, and other food supplies in like proportion. The price of shovels and axes was increased from \$3 to \$4; nails, from 20 to 25 cents per pound; coal oil, from \$6 to \$8 per 5-gallon can; candles, from \$6 to \$8 per box; gum boots, from \$12 to \$20 per pair; whisky, from \$17 to \$25 per gallon. The average increase on staples is 33½ per cent, and on luxuries, 50 per cent. With but slight modifications, these prices have been adopted by both companies at all points on the river. The representative of the Alaska Commercial Company at Dawson states that the advance in prices will not seriously affect the working miner, as he will be given the advantage over the ordinary purchaser of a discount on his year's outfit which will make its cost but little more than under the old scale of prices.

Early in June the Canadian Bank of Commerce and the Bank of British North America established branches in Dawson, which are now actively engaged in a general banking business. The banks are putting large amounts of bank notes in circulation through the purchase of gold dust and in the ordinary course of business. During the first eight days after it opened its doors the Canadian Bank of Commerce purchased \$1,500,000 worth of gold dust. Dust is accepted at \$14 per ounce, the depositor receiving the balance, less deductions, after assay. The charge for exchange is 1 per cent. The new system is a great relief and accommodation to the public, as the cost of exchange previous to the establishment of the banks ranged from \$75 to \$100 per \$1,000. Gold dust is still the circulating medium in general use, and there is much complaint of unfairness in weighing, many of the smaller dealers using heavy weights, which give them an advantage over the purchaser of from 10 to 20 per cent; but this condition will soon be a thing of the past.

The North American Transportation and Trading Company accepts gold for shipment to Seattle at 2½ per cent per \$1,000 for expressage and 2½ per cent per \$1,000 for insurance. The Alaska Commercial Company accepts gold for shipment only as far as St. Michaels, charging 2 per cent for expressage and insurance to that point. Since the establishment of the banks neither company issues drafts.

Complaint is heard on all sides at Dawson in regard to the mining regulations in force in the district. At different times during the past sets of regulations have been in force, all radically differing,

especially as to the size of claims, and as a consequence the records are badly confused, rendering it necessary to suspend locations on some creeks. The fault does not seem to lie with the gold commissioner, who is a conscientious officer and has made every effort to accommodate the public, but is attributable to the fact that the regulations are formulated in Ottawa by officials who are ignorant of local conditions, the gold commissioner having no discretion in their enforcement. The principal complaint is directed against the royalty of 10 per cent. charged on the output of the mines, and many mine owners have announced that they will simply represent their properties during the coming winter or until such time as the royalty shall be declared off or modified. They feel that the royalty is a discrimination against the producer, the speculator who purchases a claim for the purpose of reselling it escaping taxation.

Under the regulations in force June 25 creek claims are limited to 250 feet along the general course of the stream. The discoverer is allowed to locate 500 feet. "Every alternate ten claims shall be reserved for the Government of Canada—that is to say, when a claim is located, the discoverer's and nine additional claims adjoining each other and numbered consecutively will be open for registration. Then the next ten claims, of 250 feet each, will be reserved for the Government, and so on."

A royalty of 10 per cent on the gold mined is levied and collected on the gross output of each claim, the sum of \$2,500 being deducted from the gross annual output of a claim when estimating the amount upon which royalty is to be calculated.

The gold commissioner's fees are as follows: Miner's license, \$10; location notice, \$15; transfer, \$2; mortgage, \$2; partnership agreement, \$5.

The duties of the mine inspectors are to exercise a general supervision of locations, to see that the law in regard to representation is obeyed, and to collect royalty. When a discovery is made on a new creek, the locator is required to report to an inspector, who visits the creek, if easily accessible, to ascertain whether gold has been discovered. If the creek is at a great distance, the inspector takes the affidavits of the locator and others as to the fact of discovery.

Up to June 23 over 3,000 free miner's licenses had been issued, and at that date they were being issued at the rate of forty per day. A miner's license gives the holder the privilege of cutting timber for his own use, for mining purposes, the building of boats, the construction of cabins, etc. Timber berths are granted to manufacturers of lumber. These are disposed of at Ottawa, through the department of the interior. A bonus of not less than \$250 per square mile is charged, and a stumpage of \$2 per 1,000 feet is collected. Berths shall not be less than 1 mile in breadth and shall not exceed 5 square miles in extent. Not more than five berths of 5 square miles each shall be

issued to any one person in the provisional district of the Yukon. The yearly license is renewable. The holder has the right to all timber for firewood or any other purpose. All timber within 3 miles of Dawson has been reserved for the use of people who desire to cut their own wood, those without a miner's license being charged a stumpage of 25 cents per cord. All of the accessible timber lands along the Lewes and Yukon rivers, from the head of Lake Lindeman to the boundary line, below Forty Mile, have been taken up by sawmill owners and speculators.

A charge of 50 cents per ton is made for the privilege of cutting hay.

While, as stated, there is much ill-feeling in regard to the mining regulations in force in the district, the administration of the civil and criminal laws gives general satisfaction. Hon. Thomas H. McGuire, the justice for the Yukon district, prepared the following statement relative to the local government and the functions of his court:

The Canadian Government has been very anxious, from the beginning of gold mining in their territory along the Yukon, to provide for the security of life and property and the preservation of peace and order. At first the population was sparse and scattered, and it was thought that the presence of a police force and officers having magisterial functions would be sufficient, until it could be seen to what extent gold might be found and whether any considerable influx of miners would take place. In the Northwest Territories there had been for many years a quasi-military force, known as the Northwest mounted police, composed of picked men, the commissioned officers being chosen with special reference to their fitness for the mixed military and police duty to be performed by the force. From this police force the Government, in 1895, selected an experienced and tried officer, Inspector Charles Constantine, who in 1894 had been sent out to the Yukon and had made a report on the state of things in the district, and sent him in command of twenty men to establish a police post at Forty Mile, which was then the center of the Canadian mining territory. Captain Constantine and Inspector Strickland and these twenty men came to Forty Mile and built a post now known as Fort Constantine. Both officers had magisterial powers, which in Canada are limited to dealing with criminal matters. As to some offenses, they had jurisdiction to try and punish; as to more serious cases, they could hold a preliminary inquiry, and if they deemed the evidence sufficient, commit the accused for trial by a competent court. They had no civil jurisdiction except in case of disputes between masters and servants, as to their hiring, or wages, or desertion of employment.

During 1895 and 1896 the police not only dealt with the various offenses brought before them, but from the necessity of the case and the absence of a civil court, frequently dealt with matters belonging more properly to a civil court. These were chiefly disputes over the possession of chattel property, or as to the equitable division of partnership effects, such as food and boats, for persons who had agreed to prospect and mine in partnership very often fell out on the way and decided to separate. In these cases the officers when appealed to would endeavor to act as arbitrators between the angry disputants, and generally succeeded in effecting a fairly satisfactory arrangement. These rather informal proceedings had some advantages not possible by proceedings in an ordinary court; they cost the parties

nothing, and were prompt and without delay. This mode of dealing with both crimes and disputes seems to have given very general satisfaction, for Captain Constantine was a fair and just man and his decisions were generally accepted as impartial. When, however, the discovery of the rich finds on Bonanza and Eldorado set the world on fire and caused such an extraordinary rush of prospectors and miners to the Klondike, it became necessary that a regular court of civil and criminal jurisdiction should be established. Such a court already existed in the eastern portion of the territories, having jurisdiction generally throughout the province, but so far no judge had been assigned to reside and administer justice in the Yukon region. The Government accordingly selected from among the judges of that court Mr. Justice McGuire, with instructions to establish a court at Dawson. A clerk of the court, a sheriff, and a crown prosecutor were appointed, and a new district entitled the judicial district of Yukon created. The new court officials arrived in Dawson in February, 1898, and at once addressed themselves to the organization of court work, first dealing with certain prisoners committed to jail awaiting trial. By the Northwest Territories act certain offenses, such as assaults, including aggravated cases, stealing of property not exceeding \$200 in value, and a few others, can be tried by the judge alone without a jury. As to all other crimes, with the consent of the prisoner, they can be heard and disposed of by the judge alone, but the prisoner is entitled in these cases to a trial by jury. The jury panel is composed of persons chosen by the judge, from whom six are balloted, the prisoner having the usual rights of challenge peremptory and for cause. So far no prisoner has asked for a jury, preferring to leave his case to the adjudication of the judge alone. This practice permits of prompt disposal of offenders. There are no regular fixed times for the sitting of the court; it in fact sits every day but Sunday, and whenever the prosecution and defense are ready the trial takes place. In case of nonagreement as to a date, this is fixed by the judge after hearing counsel for the prisoner.

The procedure in civil cases is very simple, being based on and adapted from the judicature act in England. A writ of summons, with a statement of claim in ordinary language, is served on defendant, who has ten days within which to file an appearance and six days further to put in his defense, which is a simple statement in unambiguous terms, of the facts or law relied upon. After the close of the pleadings, on application by the plaintiff and on notice to the defendant, a day for trial is fixed by the judge. In all civil actions where the claim is *ex contractu* and does not exceed \$1,000, and in actions in tort not exceeding \$500, the parties are not entitled to a jury; in all other cases either party may demand a jury of six, selected as in criminal cases. No regular times for the sittings of court to try causes generally are fixed, but each case is tried as soon as the parties are or ought to be ready.

The sheriff is at present Superintendent Constantine, the officer in command of the police. The police are employed in executing warrants and summoning witnesses in criminal causes, and generally in carrying into effect the decisions of the court.

Owing to the nature of mining business, the large interests involved, and the frequent necessity for immediate action, a liberal use is made of the procedure by way of injunction, with or without the appointment of a receiver. Where the circumstances warrant it, the summons to the other side to show cause why an injunction should not issue

contains an interim injunction until the return day of the summons, usually the second or third day after service.

The population and conditions in Alaska are very similar to those in Yukon, and a similar mode of administering civil and criminal law there would be as suitable as it has been on this side of the boundary line. A military officer or officers, selected with regard to his or their coolness and judicial cast of mind, and supported by a sufficient force of men, would very satisfactorily enforce law and order in the sparsely settled portions or in the smaller mining camps. When the growth of population has sufficiently increased a court of general civil and criminal jurisdiction, sitting at some central point, would be required.

It has been impossible to secure satisfactory data relative to the output of gold for the Klondike district. Many of the miners refuse to give any information whatever as to the yield of their mines, referring inquirers to the office of the gold commissioner, where it was learned that up to June 24 nearly \$500,000 had been collected in royalties, indicating a gross output thus accounted for of nearly \$5,000,000. At that date the clean ups were practically completed, the officials stating that they would probably collect royalty on \$2,000,000 more during the summer. There has, without doubt, been considerable evasion of the royalty, and it is probable that for this reason \$500,000 will be unaccounted for, while the claims and lays which have produced \$2,500 or less, and which are therefore exempt from taxation, have probably produced \$1,000,000. The bankers and the agents of the commercial companies, who have the best means of knowing the facts, practically agree in placing the output for the season at \$9,000,000, and they divide this aggregate among the creeks as follows: Eldorado, \$4,000,000; Bonanza, \$3,000,000; Hunker and Bear, \$1,000,000; Dominion, Sulphur, and all other creeks, \$1,000,000. (a) Many enthusiastic writers in newspapers and company prospectuses have placed the probable yield of the Klondike mines for the season at from \$20,000,000 to \$30,000,000, but no intelligent man on the ground who is acquainted with conditions has placed the figure above \$12,000,000. The mint returns and statements of private purchasers show that about \$2,750,000 in gold dust was received from the Yukon up to August 1, less than \$300,000 of this amount coming from points on the river below the Klondike, and it is estimated by the mint officials that \$4,000,000 more will be received by the close of navigation. This would leave in the Klondike district fully \$3,000,000 of the past season's product, in addition to the \$1,500,000 or \$2,000,000 held over from last year. It is probable that a much larger amount than that estimated by the mint officials will be brought out, but it is safe to say that at least \$3,000,000 in gold dust will be retained in the district as a circulating medium

^a The mint returns and reports from private melters and refiners show that on November 1 the total receipts of gold from the Yukon since July 1 had amounted to \$10,055,270. These figures indicate that the estimate given in the text is probably 900 below the actual output.

and for investment in mining properties and business enterprises. The fact that money commands from 5 to 10 per cent interest per month will have an important effect in keeping gold dust in the country. The returns from the Seattle assay office show that Eldorado gold mints from \$14.70 to \$15.60 per ounce and Bonanza from \$15.60 to \$17 per ounce.

While the output as here stated must prove disappointing to many people on the outside who have invested in Klondike properties, and who have been led by alluring prospectuses to believe that it would be three or four times as great as it really was, the production is remarkable when the adverse conditions are considered. Owing to the scarcity of provisions, many men who were anxious to work were unable to do so, and it is probable that at no one time during the season were there more than 2,000 men at work, while less than 1,000 made full time for the working period of about six months. This would indicate a production of over \$9,000 to the man—a most extraordinary yield, and one which was probably never equaled in any other placer mining district in the world.

There have been no new developments during the winter in the vicinity of Dawson worthy of special mention, except on Dominion and Sulphur creeks and in the bench claims at the mouth of French Gulch. A great many stampedes occurred, and up to June 23 the number of recorded claims in the district had increased to nearly 9,000, as against 1,000 October 1, 1897. A large number of bench claims were located, there being on June 23, approximately, 300 such claims on Eldorado, 300 on Bonanza, 50 on French Gulch, 30 from Little Skookum over to Eldorado, and 15 on Sulphur Creek. As the result of inquiry among intelligent operators and conservative mining experts, it is possible to make a detailed statement relative to the season's developments and the character of the various creeks:

Eldorado forks at claim No. 47, where Chief Gulch comes in from the southeast. Good prospects have been found above the forks, but no mines have been proved. From 38 to 47 little has been done, but that portion of the creek may be as good as the rest. All below 38 is known to be good. In one respect Eldorado is better than any creek ever worked in the district, or in any other part of the world; that is, all the claims from the mouth up to 38 that have been prospected at all have proved to be very rich, and uniformly rich. There is not a claim in the 4 miles that is not worth \$200,000, and few of them are worth as little as that, some being worth a great deal more.

On Bonanza the last winter's work was done largely by layholders. The fact that the owners gave their claims out on lays is a pretty good indication that they had not proved the value of their claims or they would not have given a lease at 50 per cent. Many layholders complain that they made only wages or but little more, and in some cases less. This is particularly true of Bonanza below Discovery,

where many lays were abandoned during the winter; yet on a number of claims a long distance down Bonanza, as far as 60 below Discovery, it is claimed that very good pay was taken out. Some of these representations may be caused by a desire to boom values; but in other cases it is pretty certain that very good claims have been proved. The best claims on lower Bonanza are not, at best, one-half as rich as the ordinary claims on Eldorado. On upper Bonanza, in the 20's and 30's, very rich pay has been found—in many cases nearly, if not quite, as good as in some of the Eldorado claims. From a little below Discovery to about 40 above Discovery on Bonanza a large proportion of the claims have been proved to be rich. This is about the same number of claims that have been proved on Eldorado up to Chief Gulch. Bonanza is much wider than Eldorado, and consequently has not been as thoroughly prospected as the latter, and as far as known the profits of working would not be much more than one-third as much as the profits of Eldorado claims. Bonanza is more spotted than Eldorado, where the pay is confined in a narrow channel.

Hunker Creek is much like Bonanza so far as the developments show, being spotted. From Discovery down to about 40 below nearly all the claims that have been exploited to any extent have proved to be as rich as, if not richer than, the average good claims on Bonanza from Discovery up. Below 40 to the mouth and above Discovery very little work has been done. Lower Hunker is very wide, and offers good opportunities for hydraulic mining, if feasible methods of hydraulic mining can be brought into use.

Bear Creek, from 19 above to 19 below Discovery, has six or eight claims that have been worked and have turned out very well, comparing favorably with good Hunker and Bonanza claims, but nothing like as rich as Eldorado claims. The remainder of Bear Creek has not been prospected.

Gold Bottom Creek has one or two good claims, and others are likely to be found.

All Gold Creek is proving better than was generally expected last year.

Monte Cristo, Fox, Examiner, Mosquito, Klondike Bar, Alki, O'Neil's, Lindow, Leotta, Lucky, Independence, Victoria, Quigley, Nugget, Magnet, Adams, Hester, French, Montana, and Gauvin creeks have all been located their full length, and there has been considerable speculation in the properties on those creeks during the past winter; but no reports of rich discoveries on them have been received in Dawson, and if any rich prospects had been found they would have been reported. It is safe to say, therefore, that while the creeks may turn out well, they have not been proved as yet. The fact that they have not been proved is no indication that there may not be rich claims on them. So far, on none of the creeks, except the four or five rich ones, v claims been proved of value except very near the mouth of a

few of them; for example, the first two claims on Skookum, a branch of Bonanza, have been proved to be quite rich. So it is with a number of other of these creeks; but farther up, while good prospects have been found in a number of cases, no claims to compare with even the good, average Bonanza claims have been proved. People have taken claims on these tributaries or "pups" to the States for the purpose of selling them, representing that they are as valuable as claims on the main creek. So far as known, none of these claims on pups, except at or near the mouth, have been proved to be of value. It would be unwise for anyone outside to buy claims on any of these creeks except upon the reports of experts after examination.

Along the hillsides from No 6 Eldorado, across a low divide into Skookum, across Skookum and Little Skookum, but lower down on Little Skookum, and down into Bonanza, are some extraordinarily rich bench claims. In most cases the pay lies within three or four feet of the surface. The nuggets found here are unworn, showing they have moved but a short distance; in fact, they are less worn than the nuggets found in Eldorado and Bonanza. Many of the shafts sunk in this territory have uncovered very little pay, and the total number of claims that pay well is very small compared with the total number located; but further prospecting may and very probably will develop a great many more claims that will pay very well, even under present methods of working. At any rate, enough has been shown by the shafts sunk where the poorest pay has been found to indicate that in time, with cheaper methods of working the hillsides, hundreds of acres will pay enormous profits. Some modification of the California method of hydraulic mining can probably be introduced here.

On the hillside below the junction of French Gulch and Eldorado six or eight very rich claims have been worked during the past few months. These claims were discovered about the 1st of March. They are nearly all on the rim; that is, where the gravel is thin. Some deep shafts have been sunk farther back, and many shafts have been sunk all the way to bed rock for half a mile or so below French Gulch without finding as rich pay as they have been looking for. They have always found gold, however. The shafts have all shown that there are splendid opportunities for the introduction of cheaper methods.

On Bonanza, at three or four points just below the junction of pups, are other bench claims, not as rich as those of French Gulch or Skookum, but still rich enough to pay for rocking. So far, in nearly every case, the rich bench claims that have been found are near the rim of the bed rock as it begins to slope from the deep overcovering of gravel and other covering at the beginning of the steep declivity, and are just below the junction of a small creek with a big, rich creek. Many of these bench claims are as much as 300 feet in elevation above the bottom of the main creek, on the brow of the hill.

The following statement relative to the bench claims in the Klondike district was furnished by a surveyor of the Dominion Government who has given much attention to the subject:

The bench claims of the Klondike district have probably been more of a surprise to the average miner than the creek claims of Eldorado and Bonanza. During the early summer of 1897 a certain amount of excitement was created among the newcomers by the discovery and successful working of isolated spots on Bonanza that could hardly be termed true benches, but that were more of the nature of hillside claims. Then came the location of benches on Eldorado, on muck banks and slides which covered the creek-claim pay, under a law that provided that the creek-claim extended only from base to base of the hill, without regard to the lay of the bed rock. It was not until a prospector in September, 1897, struck his pick into the hillside adjoining the mouth of Skookum Gulch that the true richness and nature of the bench claims of the Klondike were demonstrated. Although the surface of this man's ground was a steep hillside, he had struck the lip of a terrace of bed rock, and on tunneling into the hill he found that the bed rock was level with a large mass of gravel overlying it. His first "color" was a \$20 nugget, and he is said to have taken out \$1,100 in one day with the aid of a rocker. Numerous claims were immediately located in the vicinity, but as none of them were worked for some time the strike gradually came to be looked upon as a pocket. Later in the season, however, a hole was sunk farther up the hill from the original discovery, and another on the Eldorado side of the hill, and good pay was struck on a higher terrace than that on which the original discovery was made. The usual excitement followed, and miners began to prospect in earnest. Little Skookum benches were the next ones struck, and then came the discovery of the extraordinarily rich French Gulch benches and the Adams Gulch benches. All these strikes were at a vastly higher level than anyone had expected to find gold, and from the character of these bench diggings people have been led to discard the pocket theory in favor of others that agree more closely with the conditions under which the pay has been found. Taking all the conditions into consideration, it seems reasonable to suppose that the gold was originally deposited at a much higher level than that of the present creek beds, and that the creeks have gradually eroded the bed rock and crosscut or sluiced down the pay to its present level in the gulches. Whether similar benches will be struck in the Indian River district remains to be demonstrated. Reports have reached Dawson of strikes in that district, but the formation of the country there does not encourage the belief that anything similar to Eldorado and Bonanza benches will be found in that district.

The hills on either side of the gulches have a gradual slope from the summits to the creek beds, and as far as a superficial examination of the ground can determine there is no sign of any terrace formation similar to that on Eldorado and Bonanza; but the face of the country is so covered with rock slides, muck, and debris of every description that a superficial survey of the ground is inadequate to give any idea of the lay of the bed rock, the great determining factor in runs of gold. The theory most favorably received as to the original factor in the deposit of gold is that it is due to glacial action, the character of the gravel on the hills confirming that theory, it appearing to have much of a glacial than of a river origin. The probability is that bench's will continue to be found for the next ten years, and each new

strike is liable to be more of a surprise than the last one, and eventually for hydraulic companies the hills may prove to be a vastly better working proposition than the gulches, owing to the latter having so little grade that it is difficult to obtain fall enough for dump. Once the water can be brought on to the benches from the creeks (and this can not be until the latter are worked out), an enormous amount of gold will be taken from the hillsides, and the world will probably be more surprised than ever at the wealth of the Klondike.

On the Indian River side two creeks have so far proved of value, Dominion and Sulphur, which head very close together near one of the domes, then spread, and finally join before entering Indian River, about 25 miles below. Dominion has been proved, as far as indications go, to be as rich as Bonanza, and probably richer, from a little below Upper Discovery (so called) to some distance below Lower Discovery. Altogether 326 claims have been located on Dominion, or about 30 miles. From some little distance below Lower Discovery Dominion has not been prospected, yet it has been boomed for the whole distance. Between the two Discoveries and for some distance on either side (about 4 miles) exceedingly good prospects have been found, and claims range in value at about \$50,000, as against \$25,000 in February. Some claims have been proved to be worth more than the prices offered. Two claims above Upper Discovery were recently purchased by one of the most conservative operators in the district for \$40,000 each. It may be said that so far as proved Dominion shows up better than did Bonanza a year ago.

On Sulphur, from about 40 above to 32 below Discovery (nearly 7 miles), hardly a shaft has been sunk that has not shown very good pay, and claims in this territory are held at from \$20,000 to \$40,000, sales having recently been made on this basis. A claim just below Discovery which was offered for \$6,000 in April could not be bought in June for \$30,000. The creek is narrow and the pay somewhat confined, and it can be easily worked. It is about the same as the other creeks in depth. Owners on Sulphur and upper Dominion who are not in need of money are holding their properties, believing they will turn out as rich as claims on Eldorado.

Eureka Creek comes into Indian River from the other side. While some prospecting has been done, no sensational reports have reached Dawson, and although claims are held at good prices the developments have caused no boom.

Quartz Creek, which also runs into Indian River, has never been prospected to any extent. It is a large creek and may turn out well, but so far no pay has been found.

Cariboo, Calder, and Ophir lie in the same neighborhood, but have not been prospected to any extent, and no rich pay has been found on them.

Gold Run, a branch of Dominion, lately reports good prospects, and is so situated that it is believed that good pay certainly will be found

in it. It heads in the divide between Sulphur and Dominion and runs into Dominion.

All other creeks in the Indian River district have been fully located, but so far, except in some cases on claims near the junction of the main stream, show no indications of rich claims. They may be rich, but they have not been prospected.

Of the creeks flowing into the Yukon immediately below Dawson, Moosehide is the most favorably situated, being but 3 miles from town. Good enough pay has been found in the gravel to warrant the belief that the creek can be worked profitably under some modification of existing hydraulic methods. Colorado and Deadwood have simply been stampeded and located, no prospecting having as yet been done.

On all of the streams in the Henderson Creek district considerable energy has been expended in locating, but very little in prospecting. While there may be rich pay on Henderson Creek and some other streams in the district, so far nothing but good, ordinary wages diggings have been found.

Most of the creeks entering the Yukon above Dawson are remembered only by the people who stampeded them. Very little work has been done on any of them, and no good prospects are reported. There may be rich pay in all of them, but no work has been done to prove whether they are valuable or not.

During the winter two men who had been cutting wood on the island just below the mouth of Enslay Creek, 10 miles above Dawson, sunk a shaft to bed rock and found pay. They went through 12 feet of muck and 25 feet of gravel—round, washed gravel deposited by the Yukon. Rich pay was found in the seams of the bed rock. They found small pay, consisting of fine gold, in the gravel, but irregularly distributed. Bed rock was reached just before warm weather set in, and little drifting could be done on account of the inflow of water; consequently it was not proved whether pay was continuous or only spotted. As high as \$8 was found in a single pan, the dirt being taken from a bed-rock seam. The island was given the name of Monte Cristo. Considerable excitement was caused by this discovery, and all the islands for 15 or 20 miles above and below Dawson were quickly staked. Owing to the ruling of the gold commissioner, that claims might not be recorded in any locality until gold had been proven to exist there, most of these locations have been abandoned, because at that time warm weather was coming on and it was impossible to sink shafts. That there is considerable gold in the gravel and on the bed rock on these islands—in fact, in the bed of the whole Yukon in the vicinity of Dawson—there can be no doubt. An island such as Monte Cristo has some advantages for working, as the current of the river can be utilized for raising water, pumping, and hoisting gravel. If the pay should be proved continuous throughout the island as in the shaft sunk, it will pay very well to it.

Considerable attention has been given to the subject of dredging for gold in the river and creek beds, but there are so many opportunities for the investment of capital where there is a greater certainty of return, and so much ground that is not taken up where it is known that there is pay and where it is known that hydraulic methods, etc., can be used to advantage, that it will probably be some time before dredging in the river bed will be resorted to. Ultimately dredging will be done, but only after considerable experimenting has been done to show where there is good pay in the beds of the streams and also after cost of working has been reduced, because dredging can not be done unless the cost is low, for the simple reason that dredges can not handle large quantities of gravel as compared with hydraulic appliances. It would cost a great deal to bring in dredges, and there would be a large risk in such enterprises. There are certainly great opportunities for dredging in the Yukon and its tributaries, but it will probably not be extensively undertaken for the present, as there are many problems to be solved; moreover, the seasons are short, and it is not known to a certainty that the bed of the river is not frozen to such an extent that it will be impossible to work it at all.

Eventually there will be great opportunities for hydraulic operations in the Klondike district. Eldorado and Bonanza creeks have been butchered so far by drifting and the subsequent sluicing in summer time of the dumps, and yet not one-quarter of the gold has been taken out. Only the richer spots have been worked, and no attempt has been made to work any except the very rich spots. The result is that to-day both of those creeks are ruined in many places for a continuation of the present methods of work. On Eldorado many rich spots are left, where it is known that there are small beds of gravel containing all the way from \$5,000 to \$50,000, which can not be worked, except at great expense, by drifting or even by summer sluicing. The mine owners all admit that the only way to obtain the gold from any of these claims is through some systematic method by which all the gold-bearing gravel and bed rock may be handled and the tailings disposed of. About half of the richer claims on Eldorado have been "gophered;" the other half will probably be next winter, and after that there will be left on that creek, within the limits of the creek claims, more gold than will have been taken out. That this will be mined in time there can be little question. The same may be said of Bonanza in a general way and in different proportion. Some parts of Bonanza that are known to be rich have not been touched. Ultimately all of the creeks upon which work has been done so far will be worked by some sluicing method, probably some modification of hydraulic mining such as that in vogue in California. This can be done only by capital, for to obtain a sufficient quantity of water for hydraulic mining the supply must be brought from the upper Klondike in flumes, a distance of from 50 to 80 miles. When this is done the cost of working should not exceed at the most per cubic yard what

may now be obtained from the poorest gravel in the bed of any of the streams which have been located. There are probably 1,000 miles of creeks in the district which will then pay to work, while at the present time and under present methods, with the cost of supplies and labor what it is, there are not over 400 claims, or 40 miles of creeks, in the district which, so far as developed, will pay to work. Further, at the present time not more than from 50 to 150 feet in width of the richest part of any creek will pay to work, while under new methods the entire width of the creek bed, from 200 to 1,000 feet, will pay; and more than that, the hillsides, extending up on either side of the creek, will pay as well as the creek bed itself, for the cost of working will be small. This means that where one square yard will now pay, a hundred square yards will pay under cheaper methods. The cost of moving gravel per cubic yard up to the present time has varied from about \$4 to \$15. The cost of moving gravel by hydraulic methods in use in California and other Western States varies from 2 to 10 cents, or in some cases somewhat more, per cubic yard. Very little gravel in all the creeks which have been located so far in the district will pay less than \$1 per cubic yard, and there is no reason why the cost of working should be anywhere near that figure. This leaves an immense margin of profit, for in many cases whole claims will yield in their pay channel of 100 feet or more over \$100 per cubic yard. It is true that hydraulic mining can be conducted on the Yukon for but a few months in the year, but the season in which water was obtainable in California and Montana in the palmy days in many districts and on many of the richest and best mines was no longer than the season would be on the Yukon. It will be impossible, on account of the formation of the soil, to bring water in ditches, and fluming will have to be resorted to. This will increase the expense considerably, because good timber for fluming is somewhat scarce. Generally speaking, it may be said, however, that the pay in the gravel is so great that the expense of fluming will be more than counterbalanced.

Some problems have been suggested with reference to uncovering the ground by removing the muck, moss, etc., but it has been demonstrated that there is but little difficulty to be encountered in this respect. A much greater difficulty arises from the fact that in very few of the creeks on the Yukon is the grade sufficient for direct sluicing with hydraulic giants. Heavy grade for the sluice boxes will be required, for the reason that the gravel is so angular in shape, very few rounded pebbles being found. As a consequence, it will be necessary to do hydraulic mining on nearly all the creeks by means of hydraulic elevators such as are used in California. This, of course, will add somewhat to the cost of working. On the Alaska side, in the Forty Mile and some of the Birch Creek diggings, the grade is greater and the gravel looser, and sluicing can be more easily done.

A company known as the Klondike Government Concession, Limited,

has obtained control of 3 miles of the lower end of Hunker Creek for hydraulic purposes. The valley of Hunker Creek is very broad, being nearly a mile wide at the lower end. The company has a twenty-one years' cession. It is proposed to bring water from the Klondike River at a point probably 40 miles above the mouth of Hunker. The bringing in of flumes and the opening up of hydraulic mining in any case must be undertaken by capitalists, because the initial outlay will be heavy.

Wages in Dawson in most lines of employment remain the same as last year. There was no regular scale of wages in the mines during the winter. On October 20 the miners on Eldorado and Bonanza struck against the reduction of wages from \$1.50 to \$1 per hour, and resumed work November 14, under a compromise which fixed the rate at \$1.25 per hour. A large proportion of the miners worked all winter at that rate, but many received only \$1 per hour, while a few were paid the old rate of \$1.50. Early in May, at the beginning of the clean up, the mine owners voluntarily restored wages to the old rate of \$1.50 per hour, and this rate prevailed on all the creeks through the season. Bed-rock men in many instances were paid from \$2 to \$2.50 per hour.

There was a great deal of sickness in Dawson and on the gulches during the winter, and there were sixty patients in the hospital June 15, most of whom were suffering from scurvy. Dr. J. J. Chambers, of Dawson, furnished the following statement relative to this much-dreaded disease:

Scurvy was very prevalent during the winter. Most of the cases were among newcomers. A large proportion of those who came into the country last year were men of sedentary vocations—clerks, doctors, lawyers, etc.—who had as a rule led quiet and regular lives. Suddenly they were thrown into a condition of intense excitement, entering a phase of life entirely new to them. For weeks they had but little sleep and ate their meals irregularly. When they reached Skagway or Dyea they found themselves in the midst of the mad rush for the Klondike, and on account of the high rate for packing were forced, through lack of means, to pack their outfits to the lakes. The reports of those going out that food was scarce here and that there was danger of starvation created a high nervous tension that was killing in its effects. Nearly all underwent great physical hardships, packing loads on their backs for long distances, without proper food, over almost impassable trails, often carrying packs which they could not have lifted under normal conditions. The situation was analogous to that which is seen at a fire, where men will rush into the burning building and with apparent ease carry out heavy articles of furniture, which they could not move except under intense excitement. This strain lasted from sixty to ninety days, and when they got to Dawson the "stampeding" had commenced, and they went on trips to distant creeks for the purpose of staking claims. They would start out with two or three days' provisions on a trip that could not possibly be made in less than four or five days. Being strangers and not wishing to impose upon the hospitality of miners along the trail, they would go two or three days with insufficient food, lying outdoors at night without proper bedding. Then the river froze up and the food panic followed, and they realized their condition

and became "homesick," the worst disease with which we have to cope. None of them were making fortunes, as they had hoped to do, the more fortunate, at best, selling a claim here and there for a few hundred dollars or working a few months at \$1 or \$1.50 per hour, which means as a rule only \$6 or \$8 per day. Naturally they became despondent. Their food was in many cases insufficient and lacking in variety. Many had never cooked before in their lives, and as they were forced to prepare their own food, they simplified matters by confining themselves to a few articles, with the result that their blood was soon in an impoverished condition, which rendered them peculiarly susceptible to disease. The popular notion that scurvy is the result of a diet of bacon, the lack of exercise, and uncleanness is not correct, if we may judge by the cases that developed here last winter. Many men who were particularly cleanly in their personal habits and who took plenty of exercise and had an ample supply of fruits and fresh meats were taken down with scurvy in its worst form, and some of them died. It is probable that fully 10 per cent of the newcomers were affected by scurvy in greater or less degree, while the oldtimers were practically exempt from its ravages. In all cases the liver and spleen were affected more or less; sometimes the bladder was affected, and frequently the prostate gland was involved. Patients often passed blood from the urinary organs and bowels, and in many cases bled from the gums, but when the bowels were attacked the gums were affected but slightly.

During the winter there were many cases of a serious throat and lung affection, resulting from the gases formed by burning in the mines, and there were several deaths from this cause.

No attempt has been made to improve the condition of the Dawson townsite by the construction of drains, and as a consequence the greater portion of the flat between the river and the hills is a bog, which forms a natural breeding ground for malarial fever and pestilential diseases. On June 25 there were about seventy patients in the hospital, a large proportion of the cases being fever and scurvy. Dysentery was prevalent throughout the town, many newcomers suffering severely and a number of deaths being reported from this complaint. The supply of wholesome drinking water is insufficient for the large population, the only sources being two or three springs on the hill at the lower end of the town and the Klondike, a mile or more from the center of population. Many of the people take their drinking water direct from the Yukon, and nearly all who depend on this source of supply are attacked by dysentery. Water from the springs costs 10 cents a gallon delivered in town, some of the saloons paying as high as \$10 a barrel for it.

The charge for hospital accommodations is \$5 per day, medical attendance costing the patient \$5 per visit and special charges being made for surgery. The records of the hospital show that since it was opened on August 20, 1897, it has taken care of 293 patients. Of these, 104 had scurvy, 25 fever, 25 dysentery, and 13 pneumonia. Of the 28 deaths recorded, 9 were from fever, 7 from pneumonia, and 4 from scurvy. The hospital receives its principal support from subscriptions, there being in June about 600 subscribers who pay an annual fee of 3 ounces of gold (\$48). Subscribers are entitled to the privileges of the hospital

in case of sickness. Nonsubscribers are required to pay \$5 per day, as stated, and the physician's fee makes the cost to the patient \$10 per day.

According to the best information obtainable, about one hundred deaths occurred in the district between October 1, 1897, and June 25, 1898.

On June 25 there were about seventy-five physicians in Dawson, and they were still coming. Ten or twelve were actively engaged in practice. Fees have been reduced since last year from \$17 to \$10 per visit. The charge for office consultation is \$8.50, the patient buying his own medicine, prescriptions costing from \$2.50 to \$7.50. So far as could be learned by careful inquiry, this is the only instance in which there has been a reduction in charges for professional or other services on the Klondike.

The river broke at Dawson on May 8, and as the ice moved out it was followed by thousands of people in small boats who had been waiting at the lakes for the opening of navigation. Over two thousand people arrived in town from the upper river in one day. During the first three weeks in June five or six steamboats arrived from below, bringing four or five hundred people who had been forced to spend the winter at various points on the lower river, and by June 25 there were probably 15,000 people in Dawson, two-thirds of whom were living in tents or occupying their boats at night. At that date the river bank for a distance of two miles was so thickly lined with small boats that it was impossible for new arrivals to find a landing place, and they were obliged to go to points still farther away from the center of town, while it was exceedingly difficult to find a place to pitch a tent, as all available camping ground was already occupied. All small boats going down the river are required to register at the customs station at Lake Tagish, and are given a number. On June 18 the register showed that 7,200 boats had passed the station, and it was estimated that on an average each boat contained five passengers. While at the above date the great rush was over, boats were still passing the station in considerable numbers, and it is probable that by August 1, 40,000 people had left the lakes for the gold fields. A very large proportion of this vast number stopped temporarily at various points on the upper river for the purpose of prospecting, it being estimated by the captain of a small steamboat which ascended the Stewart River on June 19, that between 5,000 and 6,000 had gone up that stream at the date named. Eventually, and before the river closes, practically all those now on the upper river and its tributaries will reach Dawson, where they will greatly aggravate the difficulties which confront the authorities. The mounted police stationed on the lakes during the winter adopted the rule that no one should be allowed to go down the river with an outfit of less than 1,000 pounds, but latterly this rule was not strictly enforced, and, as a consequence, probably one-half of those who passed through the lakes were inadequately equipped with food supplies. Thousands of this improvident

class are practically penniless, and even if the commercial companies succeed in getting sufficient food supplies into the country, many will suffer for the necessities of life. Compared with the increase in population, the opportunities for employment for wages are even more limited than they were last year, for the reason that there have been no new developments in the district worthy of note, except on Dominion and Sulphur creeks, while, as already stated, many of the owners of rich claims on Eldorado and Bonanza have announced that they will not work their properties next winter unless the royalty is declared off. Many men seem to have broken up their homes in the States with the idea of making permanent homes on the Yukon, taking their families with them, and on June 25 there were fully 1,000 women and children in the town. In walking along the river front scores of women, leading their little children by the hand, were encountered in the throng, and the scene reminded one of the concourse at a county fair. The thoughtful observer could see nothing in the immediate future for the majority of these unhappy people but want and misery. Already the Canadian authorities had taken steps to induce the surplus population to go down the river to the American side, and up to June 25, probably 2,000 people had heeded the warning and departed in small boats, many proceeding direct to St. Michaels for the purpose of returning home by ocean steamers. Unless this movement down the river to St. Michaels became more general than then seemed probable, there will be a repetition this fall of the sad scenes of last year, but many times magnified, and our Government will be obliged to take care of eight or ten thousand destitute people at Fort Yukon.

The commercial companies were more unfortunate than usual in their efforts to get their boats into the river at the beginning of the navigation season. As a result of the exceptionally warm weather in the early part of May, the break-up of the ice was accompanied by the highest water known for years, and the four steamboats that wintered in the slough at Circle City were carried by the action of the ice far out on the bank, where the receding waters left them high and dry 200 feet from the running water in the stream, from which they were cut off by an immense ice jam. It was necessary to blast trenches through the ice and construct ways to the channel, and this work was rendered unexpectedly expensive by a strike of all the white and most of the Indian laborers in Circle City. A large force of men had been employed for several weeks in getting the boats to a place of safety, receiving a compensation of 60 cents per hour. At a meeting held on May 13, the day after the break-up, a resolution was adopted declaring that no one should work for less than \$1.50 per hour, and was signed by 89 men, including several Indians. The resolution stated that this action was taken for the reason that the North American Transportation and Trading Company had raised the prices of provisions during the winter 25 to 100 per cent. This increase in wages brought the cost of launch

ing the boats up to a high figure, the representatives of the companies stating that the total expense was nearly \$15,000. The *Victoria* was launched on May 30, and proceeded to Fort Yukon, where she loaded with 45 tons of flour, nails, etc., and returned up river to Dawson. The other boats were not launched until June 4, when the *St. Michael* left for St. Michaels. The *Weare* went to Fort Yukon, where she loaded for Dawson, which point she reached on June 11 with 150 tons of merchandise and 158 passengers. The *Bella* proceeded to Fort Hamlin and loaded for Dawson, taking in tow her barge at Fort Yukon on her return, and arrived in Dawson on June 24 with 390 tons of merchandise and 50 passengers, having spent a week on a sand bar just below Circle City.

The steamer *Hamilton*, which was frozen in at Russian Mission last October en route to Dawson, was launched June 1, and arrived at Dawson on June 17 with a full cargo of merchandise, 74 tons of which were taken on at Circle City, and 150 passengers.

The *Margaret* and the *Alice*, of the Alaska Commercial Company's fleet, wintered on the lower river, and on June 27 had reached a point about 20 miles below Circle City, where the *Alice* was fast on a sand bar and the *Margaret* was trying to get her off.

The *John J. Healey* lay in the canal at St. Michaels all winter, and left for Dawson on June 16 with a barge and about 60 passengers. She dropped her barge at Anvik, and on June 29 was taking on wood at Weare, the town established by the North American Transportation and Trading Company opposite the mouth of the Tanana.

Of the numerous steamboats belonging to private expeditions that attempted to ascend the Yukon last year, only one, the *St. Michael*, succeeded in getting above the Tanana. The details of her trip from St. Michaels to Circle City were given in the former report. The *Mare Island*, a large side-wheel boat from San Francisco, was abandoned last fall, and is lying in the canal 18 miles from St. Michaels, it having been found that she drew too much water to get across the bar at the mouth of the Yukon. The *Merwin* and the *Thomas Dwyer*, two small stern-wheelers, went into winter quarters at Nunivak, on the lower river, and were successfully launched in May. On June 26 the *Merwin*, with about 40 passengers aboard, was 100 miles above Circle City, en route to Dawson, and making a progress of 50 miles a day. The *Thomas Dwyer* ran onto a sand bar just above Minook and was abandoned. The *Governor Stoneman*, a small tugboat owned by a party of prospectors, wintered at Nowikakat, 50 miles below the Tanana, and arrived at Fort Yukon June 3, with 10 men and their outfits. She ran onto a sand bar a few miles above Fort Yukon and stuck until June 27, when she was launched and proceeded up the river. The *May West*, a small boat of 54 tons register, was caught in the ice about 10 miles below the Tanana, and her passengers, 35 in number, wintered at Minook. She got afloat May 25 and reached Dawson on June 8, being the first boat

to arrive there this season. The *Seattle No. 1*, with about 160 passengers, who left Seattle in August, 1897, wintered just below the Tanana, and her passengers spent the winter at Minook. She was launched May 25 and proceeded up the river. On June 3 she was caught on a sand bar 18 miles above Circle City, and remained there nearly three weeks, finally reaching Dawson on June 25 with 220 tons of freight and 140 passengers, nearly all of whom had been eleven months on their way to the Klondike.

The *May West* was the first steamboat to leave the Klondike this season, as she had been the first to arrive. She left Dawson on June 18 with 68 passengers, the charge for passage to St. Michaels being \$100. She took down about a ton of gold, valued at \$500,000.

On June 12 the North American Transportation and Trading Company posted the following notice:

This company will now book first-class passage to Seattle to parties intending to ship gold dust by express on our first boat. Rates: Express on dust to Seattle, $2\frac{1}{2}$ per cent per \$1,000; insurance to Seattle, $2\frac{1}{2}$ per cent per \$1,000. First-class fare to Seattle, including meals and berth, \$300. Baggage allowance, 100 pounds. Steamer will leave Dawson about June 15, 1898. No dust received on steamer except it is shipped by express.

This announcement caused much disquietude among the large number of men who were anxiously awaiting an opportunity to embark for Seattle or San Francisco, with the reasonable expectation that the old charge of \$175 for passage would be maintained, for nearly all of this class were debarred on account of their inability to produce gold dust in amounts of \$1,000 for shipment, while but few had emerged from the extortion practiced on them during the winter with the requisite \$300. Events proved this disquietude in large measure to have been groundless, for at closing time on the 15th it had become apparent at the booking office that the select class designated in the notice was not numerous enough to insure a remunerative passenger list. The usual delay occurred, the departure of the company's first boat being postponed from day to day until the 24th, when the *Hamilton* left for St. Michaels with 178 passengers, many of whom were of the comparatively impecunious class mentioned, the nine days' delay having enabled them, by various humiliating expedients, to secure the necessary means to meet the greatly increased charge for passage. The *Weare* followed on the 25th with 42 passengers and about $3\frac{1}{2}$ tons of gold, valued at \$1,500,000. On the 29th, when 50 miles below the Tanana, the *Hamilton* broke a hogchain and became helpless in midstream, and the *Weare* took her in tow, arriving at St. Michaels on July 5, ten days from Dawson. The regular "first-class fare" on the *Weare* for the first four days out from Dawson consisted of poorly baked bread, indifferent butter, stale corned beef, brown sugar, Indian trading tea, and an insipid decoction which the waiters called "coffee," with bacon and beans every other day for a change. The fare on the *Hamilton* was somewhat better, the

table being supplied with coffee, dried apples, and pudding. At the mouth of the Tanana the first "run" of salmon was encountered, and some of the passengers of the *Weare* bought fresh fish, which they were permitted to take aboard, but against the protest of the purser, who, with unprecedented consideration, objected to the cook: being overworked. Finally the purser was persuaded to supply the boat with fish, and during the last five days of the trip dog salmon was served once or twice a day. Three deaths occurred among the passengers of the *Hamilton* and the *Weare* during the latter part of the voyage.

The steamer *Bella* and barge, of the Alaska Commercial Company's fleet, left Dawson on June 26, with 150 passengers, and about two tons of gold, worth \$1,000,000, and arrived at St. Michaels July 3. The charge for passage on the *Bella* was \$100 from Dawson to St. Michaels, and the company charged from \$100 to \$150, according to accommodations, for passage from St. Michaels to San Francisco.

At St. Michaels the magnitude of the Klondike "boom" became fully apparent. The first ocean vessel arrived on June 13, and up to July 5 there had been forty arrivals, with 30,000 tons of merchandise, coal, etc., and nearly 2,000 passengers, while at the last-named date less than 1,000 tons of freight and not to exceed 250 passengers had entered the mouth of the river. (a) Twenty-two ocean vessels were lying in the harbor, nearly all loaded with merchandise for the Yukon, which they were unable to discharge because of a lack of wharf facilities and the nonarrival of the new river steamboats which had been constructed on Puget Sound and elsewhere on the lower coast for the Yukon trade. Many types of sailing craft were represented, from a 47-ton sloop to a five-masted schooner of 2,500 tons, and a half dozen large ocean steamers lay far out in the offing, most conspicuous of all the great *Garonne*, carrying 3,000 tons of freight and 400 passengers, while closer inshore was anchored the United States gunboat *Wheeling*, reported to have been sent by the Navy Department to Bering Sea in response to representations that \$30,000,000 of Yukon gold would be brought out, to protect this potential treasure from Spanish privateers. In the inner harbor a score of new river steamboats, which had been towed from Puget Sound or Dutch Harbor, were being completed by the erection of wheels, the setting of engines, etc., and on shore a dozen more were in course of construction, while at the wharves four or five steamboats belonging to the old companies were loading for the Yukon, the whole scene presenting all the bustle and activity of a great Atlantic seaport.

On October 20, 1897, the Secretary of War issued the following order:

By authority of the President, the land known as St. Michael Island,

a The latest reports show that 43,000 tons of freight were landed at St. Michaels during the season, and that all stations on the river have ample supplies, about 12,000 tons having been carried to Dawson.

Alaska, with all contiguous land and islands within 100 miles of the location of the flagstaff of the present garrison on that island, is set aside from the public lands of the Territory of Alaska and declared a military reservation, and shall be known as Fort St. Michael.

Parties who have, prior to the receipt of this order, located and erected buildings on the land so reserved, will not be disturbed in their use of lands, buildings, and improvements, nor in the erection of structures needed for their business or residence.

During the fall and winter the Department issued permits under this order to sixty commercial and transportation companies and individuals for the occupancy of lands bordering on the harbor of St. Michaels. Owing to the fact that the two old companies had already occupied the most eligible portions of the water front, many of the new companies were forced to locate in the outer harbor, where there is no protection from the strong winds which almost constantly prevail, while some of the later arrivals had not succeeded in securing a landing place at all. The old companies were charging a wharfage of \$6 per ton, but as "wharfage" meant simply the privilege of landing freight on the beach by means of lighters and small boats, no one was taking advantage of this opportunity to discharge cargo.

According to the best information obtainable at St. Michaels, about one hundred steamboats were equipped during the winter and spring for navigation of the Yukon. More than half of these are new boats, built specially for the river traffic. The Alaska Commercial Company has added to its river fleet 5 steamboats and 6 barges, and the North American Transportation and Trading Company has constructed 4 steamboats and 5 barges. The new boats of both companies are of the latest type and of high power, and as they have been officered with experienced Missouri and Mississippi river men, there is no doubt of their successful operation. Several of the new companies have introduced boats fully equal in every respect to the best boats of the old companies, and there are now on the river probably over 20 first-class steamboats with a carrying capacity of from 220 to 450 tons of freight and from 50 to 150 passengers each. Fifteen or 20 new steamboats were lost at sea while being towed from the place of construction to St. Michaels, and the owners were greatly embarrassed by the presence of a large number of passengers who had arrived by their ocean steamers, as they had no means of transporting them to Dawson. In this dilemma they appealed to the old companies to carry their passengers up the river, and were informed that a new passenger tariff had been adopted, the revised rate being \$200 from St. Michaels to Minook and \$250 to all points beyond, with an allowance of 250 pounds of baggage. The new companies were unable to meet this demand, and as late as July 9 probably a thousand stranded gold seekers were still wondering how they were to get to Dawson.

The cost of operating steamboats on the river is much greater this year than heretofore, the increase being principally due to the advance the price of wood. The unusually " which accompanied

the break-up of the ice carried most of the driftwood to the mouth of the river or lodged it at points so far from the main channel that it can not be reached, and standing timber that is accessible from the river is becoming very scarce. The two old companies, as already stated, had between 6,000 and 7,000 cords of wood cut during the winter in the vicinity of Fort Yukon, at a cost of \$5 per cord, and this supply will probably prove ample for that stretch of the river during the present season. The manager of one of the new companies passed down the river late in May and made contracts with choppers at various points to cut wood for his boats at \$12 per cord, and his action caused the price to advance to that figure at all the wood yards on the river. In anticipation of this condition, both of the old and several of the new companies shipped large quantities of coal from British Columbia to St. Michaels last spring and are using it on the lower river. During the winter an immense bed of coal of good quality was discovered on the Koyukuk River, about 400 miles above its mouth. The discoverers state that the coal bed is 30 feet thick and extends two miles along the river bank, whence it can be loaded onto barges with little labor. A specimen of this coal submitted to the Geological Survey for test showed the following analysis:

Moisture	6.18
Volatile matter	37.43
Fixed carbon	52.76
Ash	3.63
Coke	.00
	100.00

Coal of fair quality has also been found on the north bank of the Yukon, a short distance above Minook, and is being mined this season and sold to the steamboats for \$17 per ton. These discoveries, with the extensive deposits of coal known to exist at several points on the upper river, offer an easy solution of the fuel problem for the entire valley of the Yukon.

At Fort Yukon on May 30 a number of Indian pilots who had passed the winter there announced to the agents of the companies that they would not work for less than \$20 a day or \$1,500 for the season. As no white pilot who has not made two or three trips through the Yukon Flats can take a large steamboat from Fort Yukon to Circle City at low water, and as a Yukon Indian on a strike has never been known to modify his demands, it is probable that the new rate prevailed during the summer. This season both of the old companies imported from the States, under yearly contract, a large number of steamboat men to handle their boats. Captains, pilots, and engineers receive \$100 per month, and firemen, cooks, and deck hands \$75 per month.

It has been demonstrated this summer that the Lewes River and the lakes can be navigated successfully. Five or six small steamboats of an average length of 50 feet and 10-foot beam were built on Lake Bennett, and a regular line has been established between the head of Lake

Bennett and Dawson. A portage of about three miles is made by means of a tramway at the Grand Canyon and White Horse Rapids. The service is limited almost entirely to passenger traffic, the fare for the down trip being \$125 and for the up trip \$200, with a baggage allowance of 150 pounds. The round trip between Dawson and the head of Lake Bennett has been made in twelve days. (a)

The hardships and expense of the journey from the coast to the lakes by way of the Dyea and Skagway trails have been greatly reduced since last fall, when the price of packing reached 47 cents per pound on the former and 60 cents per pound on the latter trail. The Dyea trail has been improved by the erection of an electric tramway from the foot to the summit of Chilkoot Pass, and the rate for packing from Dyea to Lake Lindeman reduced to 12 cents per pound. On the Skagway route a narrow-gauge railroad is in course of construction, and it is expected that it will be completed to the summit, 18 miles from the coast, by the close of the working season. The line as projected will have its temporary northern terminus on Taku arm of Lake Tagish, which point will undoubtedly be reached next year. The enterprise is backed by American capital, and it is the intention of the company to extend the line eventually to Fort Selkirk, the head of navigation for large steamboats.

The Stikeen route, via Wrangell and Lake Teslin, is pronounced impracticable by those who reached the Klondike this summer from their camp at the head of Lake Teslin, where they were forced to spend the winter.

The Ashcroft and Edmonton trails, known as the "overland routes," have proved to be death traps. The Ashcroft trail starts from the town of that name, which is located on the Canadian Pacific Railway, in British Columbia, and follows the Fraser River for over 200 miles, to Quesnelle, a small Indian trading post. From this point it meanders for 600 miles through almost impassable bogs, fallen timber, and swift mountain streams, and across numerous divides, to the town of Telegraph Creek, at the head of navigation on the Stikeen River, where the traveler who is fortunate enough to get that far finds that he still has before him all the difficulties of the Stikeen route, now practically abandoned.

The Edmonton route begins at the town of Edmonton, the northern terminus of a branch of the Canadian Pacific Railway. The first stage of the journey is made by cart or pack animals to Athabasca Landing, about 100 miles north of Edmonton. From this point the traveler proceeds by boat down the Athabasca River to Athabasca Lake, thence

a An official report to the United States Coast and Geodetic Survey from the expedition which conducted a survey of the Yukon delta during the past summer states that a channel with a depth of 8 feet at low tide has been located at the southern mouth of the Yukon. This new route will reduce the voyage about 500 miles, enable ocean steamers of ordinary draft to enter the river and ascend it 400 or 500 miles.

down Slave River to Great Slave Lake, and across the lake into the Mackenzie River, down the Mackenzie to the mouth of Peel River and up that stream to Fort McPherson, 1,950 miles from Edmonton. From Fort McPherson there is a difficult portage of 90 miles to La Pierre House, on Bell River, a tributary of the Porcupine. There a boat is constructed and the journey by water resumed. It is 40 miles from La Pierre House to the mouth of Bell River, whence the traveler descends the Porcupine 300 miles to Fort Yukon, situated on the Yukon just above the mouth of the Porcupine. There is an offshoot of the Edmonton route known as the Peace River route. This trail runs to the north-westward from Edmonton to the west end of Little Slave Lake, about 200 miles, thence to Peace River, 85 miles, and thence to Fort Dunvegan, 60 miles. Beyond Fort Dunvegan, which is about 1,000 miles in an air line from Dawson, little is known of the trail, but it is supposed to lead through alternating forests, barrens, and mountain ranges to the Liard River, and thence to the headwaters of the Pelly River, from which point the journey can be completed in boats. According to newspaper accounts, several hundred men chose this route last fall, but as no one could be found in Dawson late in June who had succeeded in getting over the trail, it is impossible to describe it. There are numerous dangerous rapids in the Athabasca and Slave rivers, and great care is required in passing down those streams. A small steamboat runs on the Athabasca River from Athabasca Landing to Grand Rapids, a distance of 165 miles, and steamboats run between Fort Smith, on Slave River, and Fort McPherson, a distance of 1,270 miles, but as they are employed exclusively in the transportation of supplies for the Hudson Bay Company, they are not available for passenger traffic. On June 2 two young men arrived at Fort Yukon from Edmonton. They started from that place on August 9 of last year, passing down the Athabasca, Slave, and Mackenzie rivers, and arrived at the mouth of Arctic Red River September 30. They were forced to discontinue their journey by boat at this point by the heavy run of ice in the Mackenzie, and made the portage of 100 miles to La Pierre House, where they spent the winter, their only companions being a few half-starved Porcupine Indians. It required two months of hard labor to sled their outfit across the portage. They left La Pierre House on May 30, and the next day, while shooting the rapids at the lower end of the Upper Ramparts of the Porcupine, their boat was capsized and swept away with the remnant of their outfit, and they were left struggling in the ice-cold water. In an exhausted condition they succeeded in reaching an exposed rock in mid-stream, to which they clung for twenty-four hours, when they were rescued by two prospectors who were descending the river and taken to Fort Yukon, penniless and without a change of clothing. They reported that they passed 800 men last fall en route from Edmonton to the Klondike, but up to June 27 they were the only ones of this large number who had reached Fort Yukon. Here they were greatly surprised to

learn that they were still as far from the Klondike, so far as the expense of travel and time are concerned, as they would have been at Dyea or Skagway.

It would now seem that at last the residents of the Yukon Valley are to have a regular mail. A semimonthly service has been established between Juneau and Tanana, at a cost to the Government of \$56,000 per annum, and a monthly service is provided for between Tanana and St. Michaels, at a cost of \$23,000 per annum. Mr. John P. Clum, a post-office inspector, to whom had been given the power to appoint postmasters, traversed the entire length of the Yukon during the present summer and established post-offices as follows: Eagle, at the mouth of Mission Creek; Star, at the mouth of Seventy Mile Creek; Yukon, at Fort Yukon; Rampart, at the mouth of Minook Creek; Tanana, opposite the mouth of the Tanana (the station designated in the prospectuses and on the maps of the North American Transportation and Trading Company as "Weare"); Koyukuk, at the mouth of the Koyukuk, and Anvik, at the mouth of the Anvik River. Upon the recommendation of Mr. Clum, the Post-Office Department has issued instructions to the postmasters at Juneau, Tanana, and St. Michaels authorizing them to employ special carriers to perform the service whenever the contractor shall prove delinquent. This wise provision, lacking heretofore, will solve the problem of a regular mail service on the Yukon, so far as human agencies can overcome the difficulties. There is a period of about a month in the spring, just preceding the breaking up of the river, and another in the fall, following the closing of the river and varying from thirty to sixty days, when it is impossible to travel, and until permanent trails or roads are constructed, the post-offices along the Yukon will receive no mails during the periods indicated. (a)

At St. Michaels reliable information was obtained in regard to affairs at Kotzebue Sound, the scene of the most profitless of all the stampedes that have occurred as accompaniments of the general movement to the Klondike. Kotzebue Sound lies just beyond Bering Strait and forms the southern arm of the Arctic Ocean. The three principal rivers emptying into it are the Noatak, Kowak, and Selawik. During the past fall and winter the newspapers of the Pacific coast published numerous articles setting forth that marvelously rich placer ground existed on these three streams, particularly on the Kowak. As a result of these stories, which seem to have been based on a rumor that the Indians of that region occasionally brought small quantities of

a As this Bulletin goes to press, it is learned that it is the purpose of the Canadian Government to maintain a fortnightly mail service during the winter along the Yukon between Skagway and Dawson, with post-offices at Bennett, Tagish House, White Horse Rapids, Lebarge, Hootalinqua, Big Salmon, Little Salmon, and Sixty Mile. It is presumed that a post-office will also be maintained at Forty Mile; if so, it will be dependent upon our service, as the Canadian service does not extend below Dawson.

gold dust to the coast, a large number of vessels sailed for Kotzebue Sound during the spring, and probably 1,500 men took passage on them. Trustworthy men who have ascended the Kowak 200 miles say that no gold has been found up to that point, and that it is impossible to reach the headwaters with a boat on account of the rapids. It is probable that gold in paying quantities exists on the headwaters of the Kowak, but the fact is not yet proved, and the only practical way of getting there is by ascending the Koyukuk and making a portage of 100 or 150 miles. It is therefore inevitable that the prospectors who have gone to Kotzebue Sound will have to retrace their steps, bringing back nothing but experience and cankering recollection of liberal contributions to the bank accounts of conscienceless instigators of an empty "boom."

Authentic reports from the Copper River country indicate that while some good indications have been found, no discoveries have been made that warrant the influx of prospectors which has occurred, and thousands who took part in that movement will be forced to return to their homes empty-handed.

The Klondike stampede was unique, considered from nearly every point of view, and it may be interesting, in conclusion, to survey the situation briefly with particular reference to its most fascinating feature, the financial result. It is a common assumption among those familiar with the uncertainties of mining for the precious metals, that every dollar's worth of gold extracted from the earth costs somebody at least one dollar in money or labor. Applied to the case under consideration, this assumption is so far within the bounds of truth that it presents itself to the mind of everyone who participated in the movement as a self-evident fact. By actual count, 40,000 men started for and reached the Yukon gold fields during the year beginning with July 15, 1897. It is conservatively estimated that 20,000 more undertook the journey, but were unsuccessful in their efforts to reach the Yukon, a large proportion becoming discouraged and returning home, while many thousands joined the collateral stampedes to various points on the coast or are still struggling on the trails to the Klondike. It is fair to assume that the average expenditure of these 60,000 men for outfitting and transportation was \$500 each, or a total expenditure of \$30,000,000. It is probable that the money invested in ocean and river vessels and the organization of commercial companies for operations on the Yukon would add \$5,000,000 to this sum. Without considering the large amounts that have been absorbed in the capitalization of Klondike mining companies, a few legitimate and many wildcat, it may safely be assumed that this great movement during the year following its inception cost the participants \$35,000,000, and it is equally safe to assume that in the case of 75 per cent of the individuals involved their contributions are an absolute loss to them; for having failed in the main object of their venture, mining, the country offers them no other kind of

employment, and they must return to the States. As against this enormous outlay, we have for the period under consideration, as indicated by the mint returns, a gross product from the Yukon placers of less than \$12,000,000. Although this statement as to the immediate result of the Klondike "boom" can not be refuted, it would be misleading if allowed to stand without qualification. The condition described is almost entirely due to the exaggerated statements as to the extent of the new discovery so widely published in last year's newspapers and magazines, and should not be permitted to obscure the fact that there is now being developed on the Yukon a mineral zone of wonderful richness, which will eventually contribute hundreds of millions of dollars to the wealth of the world. The lesson to be learned from the present situation is that it will take years of hard work to bring the mines up to their highest point of productiveness, and that the country offers no opportunities for professional men or others who are not equipped by nature for the most exacting manual labor. When common carriers on the Yukon who depend upon the public for support are ready to carry for the public without discrimination in favor of selected patrons; when "competition" in commerce there shall come to mean a decrease and not an increase in the cost of living, and when the people of that long-neglected section of our common country shall again attract the attention of Congress and hold it long enough to secure the enactment of laws for the protection of life and property, then, and not till then, will it be possible to bring to full development the marvelous riches of the Yukon gold fields.

In April, 1898, Mr. J. C. McCook was appointed United States consul at Dawson, and arrived early in July at his post of duty. He has sent to the Department of State a number of reports, which have appeared in the Consular Reports, and as they contain authentic information relative to the situation on the Yukon of a later date than that given in this paper, they are quoted here:

Consul McCook has sent the Department of State an undated report from Dawson City (received September 12, 1898). Mr. McCook says:

"Dawson City, probably the largest mining camp in America, is built on a bog or swamp and contains a shifting population which now numbers about 20,000. Forty thousand prospectors have passed through here from the White and Chilkoot passes. Most of them had a year's provisions. Hundreds are going away daily, not being able to stay long on account of the cost of living. A dinner costs \$2.50, and breakfast and lunch \$1.50. Lodging is \$1.50 per night in a bunk, and a hotel charges \$6.50 for a bed per night.

"The price of property in the business locality is enormous. A lot of convenient size upon the main street can not be had under \$40,000. Lots in a bog off Main street bring from \$5,000 to \$10,000. To rent a log cabin costs \$200 per month. With the exception of the warehouses, the theaters, dance halls, saloons, and gambling houses are about the only establishments which can afford these terms. Along the river, ground leased from the authorities brings \$10 per front foot per month.

This, with the 10 per cent royalty charged on the gross output, yields a very large revenue.

"The prevailing price of labor is \$1 per hour, but there are so many idle hands waiting for employment that the supply exceeds the demand, and may bring the price down. Still, there is the greatest activity in the erection of large buildings and warehouses.

"Most of the prospectors who are coming to Dawson City leave for camps in United States territory, since, apart from the country in the immediate vicinity of Dawson, which has all been staked off, this is the most promising field. But even here, out of more than 5,000 placer claims and 2,000 bench claims, only 200 have thus far paid to work. A great many have not yet been prospected and will have to be given up to the Crown, because one condition of the grant is that every person having a claim must work it continuously for three months each year. Ninety days' labor at \$10 a day is a good deal to risk upon one claim, and a good many who can not afford it will surrender them. The creek claims have been reduced in size from 500 to 250 feet.

"Estimates of last year's output range from \$8,000,000 to \$12,000,000. Work has largely been confined to Bonanza and Eldorado creeks. Dominion, Sulphur, and Eureka creeks will be opened up next winter, as they promise good results. One can not prospect in summer, as the pits which are dug then fill with water. It is by the merest chance that one may strike a rich claim. No poor man should sell out and come here. Organized companies with capital will do much better, as they can hire work much more cheaply than individuals."

Consul McCook writes from Dawson City, under date of August 4, 1898, that prices for provisions are very high (exceeding by 25 per cent those of last year), and lodging is hardly to be had at any price. Outsiders, he says, can not realize the conditions; destitution and suffering are imminent for many unfortunate prospectors, who are unable to get away. No one, he continues, should go to the gold fields without a couple of thousand dollars and supplies for two years. The output of gold has been exaggerated fivefold.

In a report dated August 24, Consul McCook further emphasizes the distress among the prospectors in and around Dawson City, and strongly advises no one to join in the hunt for gold unless he has at least enough provisions to last over winter and enough money in bank to take him home if he is unsuccessful. The consul says he is appealed to daily by men who have no money and can not get work, and he advises such of them as are able to travel to go to St. Michaels, where, he is informed, the Government is arranging to take care of them by putting them in communication with friends in the United States.

Under date of August 31, 1898, Consul McCook writes from Dawson City as follows:

"Dawson City made rapid strides during the past month in the way of building improvements. In July only two large warehouses were here. Four more are now nearing completion, all operating their own steamers.

"There will be no lack of provisions and merchandise here this winter. The large amount of supplies being brought in has had a tendency to reduce prices on a few commodities. A 50-pound sack of flour, which brought \$8 last month, is now sold for \$5. It is to be hoped the price of hotel accommodations will be reduced, as none but the wealthy can enjoy hotel life at present, at \$6.50 per night for a room with a mixture

of husks and straw for a bed, a candle for light, and board at the rate of \$12 per day. There are a few cheaper houses, but accommodations are still poorer. The number of log cabins is being increased rapidly, for in a couple of weeks it will be too cold to sleep in tents. Log cabins can be rented for \$50 per month and upward, according to location and distance from the center of the town. Typhoid fever has been on the increase lately, and many deaths have resulted. It will decrease as soon as the ground is frozen, about the 1st of October.

"Hundreds of Americans have gone down the river to Alaskan territory, where it is predicted more gold will be found than in the Northwest Territory. Forty Mile Creek, which empties into the Yukon River 52 miles below Dawson City, is understood to be very good on the Alaskan side. Eagle City, 50 miles below, is said to be in a position to rival Dawson City in another year, and as a base of supplies it will be much more convenient, being inside the boundary line. Eagle City is the name now given to what is marked Belle Isle on the map of the United States Coast and Geodetic Survey of the Yukon River. The territory for hundreds of miles around Eagle City is said to be very rich.

"The future of Dawson City greatly depends on new discoveries being made this coming winter. There is no doubt of a great deal of gold being in this district within 100 miles radius, but it has yet to be prospected. The cost of taking food up to the mining camps and the price of labor make it very expensive to work the claims, and they must be very good in order to pay."

The following, under the heading of "Warning to Alaska prospectors," is taken from the Consular Reports for September, 1898:

Care should be taken, by those who contemplate going to the gold fields, in entering into transportation contracts. It appears that certain companies have obtained a considerable sum of money (generally \$500 for each person) upon very ingeniously worded contracts, that the persons paying should be transported to the gold fields in the north, with all necessary outfit furnished and expenses paid. In three cases in which men have paid their money they have been brought, at slight expense, to this and other ports and then abandoned.

The men who had contracted with one of these companies became suspicious while at this port, but after an explanation by the agent, they agreed to go forward. The following extract from a letter from one of them shows how they have been treated:

FORT WRANGELL, ALASKA, *June 15, 1898.*

* * * * *

The company induced us to come to Wrangell, and after pulling the provisions for 15 miles up the Stikine River, we were sent into camp and have remained there ever since. When we have asked to be put ahead we have been put off with promises, and we now feel that they do not intend to do anything but promise until we are discouraged and leave them, forfeiting the money paid. We wish to ask you if there is not some way by which we can compel them to fulfill their part of the contract or return our money. We are now here, practically without money and far from home, and if you can aid us in any way you will confer a lasting favor upon thirty stranded men from the Old Bay State. We have now been here since March 30.

I would suggest that persons desiring to go to the gold fields in the valley of the Yukon take every possible precaution. I have abundant evidence that several companies are now, and have been for some months, engaged in this nefarious traffic.

L. EDWIN DUDLEY, *Consul.*

VANCOUVER, *June 28, 1898.*

MUTUAL RELIEF AND BENEFIT ASSOCIATIONS IN THE PRINTING TRADE.

BY WILLIAM S. WAUDBY.

The purpose of this article is to present an account of various mutual relief and benefit associations in the printing and allied trades.

Of the various phases of cooperation among workmen, that of relief in times of sickness or disability has not, until recently, been given the attention it deserves. In isolated cases a few trade unions have incorporated in their by-laws a sick-benefit clause providing for a small weekly payment, for a limited time, to sick or disabled members. One of the best illustrations of what may be accomplished through this form of cooperation is to be found in the workings of the Government Printing Office Mutual Relief Association, of Washington, D. C., which has achieved such successful results that similar associations have been organized in several cities by mercantile houses or by bodies of persons who have noted its progress and recognized what could be accomplished by its system of small weekly or monthly payments in securing relief during sickness or disability at the least possible outlay.

These associations are unique, in that they virtually commence a new financial term with an empty treasury, while the old trade-union associations have an accumulating fund from year to year. In cases where a member leaves the employment of the establishment in which his association is formed, he is entitled to receive his pro rata share of the association funds up to the date of withdrawal. Usually a small initiation fee is charged to provide a fund from which to defray such incidental expenses as may arise and to reimburse officials for their services arising from time lost from their usual employment. This item of expense, as a rule, is merely nominal.

While workers in various other industries have, to some extent, adopted similar methods for relief, it is believed that these associations have been more generally established among the members of the typographical unions.

GOVERNMENT PRINTING OFFICE MUTUAL RELIEF ASSOCIATION, WASHINGTON, D. C.

The Government Printing Office employed, in 1883, from 1,800 to 2,000 persons in various capacities. At this period no pay was allowed for time lost by an employee on account of sickness or for any other cause, and consequently the ability to meet expenses in case of sickness was considerably lessened. In other branches of the Government service leave of absence with pay was granted for 30 days on account of sickness, and might be extended to 60 days in extreme cases, at

the option of the head of the department. In cases of peculiar hardship the suffering that resulted from sickness was relieved in a measure by assistance secured through subscriptions from the employees of the various divisions of the printing office.

This method of obtaining aid had existed for many years, when a mutual relief association was proposed as a means whereby the custom could be abolished or at least appreciably modified. After considerable preliminary discussion, twenty-five men became favorably impressed with the plan proposed, and at the first meeting, held March 29, 1883, a permanent organization was perfected. The association was incorporated April 5, 1889.

The peculiarity of the plan adopted was that, while it provided for an ample revenue to pay sick benefits of \$10 per week, it divided all money in the treasury at the end of the fiscal year pro rata among those members who had not received benefits in excess of the dividends.

Such alterations and additions have been made at various times to the original constitution and by-laws as were warranted by the experience and growth of the association, and at the present time they stand as follows:

CONSTITUTION.

TITLE AND OBJECT.

This association shall be known as the Government Printing Office Mutual Relief Association.

Its object is to create a fund to be used for the relief of its members in case of sickness.

WHO MAY BE MEMBERS.

Its membership shall be confined to white male persons who, when joining, are employed in the Government Printing Office; but no person whose age exceeds fifty-five years, or who is a member of other organizations paying sick benefits to an amount in excess of ten dollars per week, or who by reason of sickness or other disability is likely to become a burden on the association, shall be eligible to membership.

Every applicant must have been employed for at least six months in the Government Printing Office or its branches, and be personally known to a member of the governing committee.

OFFICERS AND COMMITTEES.

The elective officers of the association shall be a president, vice president, recording secretary, financial secretary, and treasurer, who shall be elected annually by a majority vote of the members present, and shall hold office until their successors are elected and installed; said officers to be ex officio members of the governing committee.

The following committees shall be appointed by the president:

1. A governing committee, to consist of seven members, who shall hold office until their successors are appointed.
2. A finance committee, to consist of three members, who shall be appointed at the January meeting.
3. A committee on membership, to consist of four members from the governing committee, to whom all applications shall be referred, and a report made thereon to the governing committee.
4. Such other committees as the association may direct.

MEETINGS.

Stated meetings shall be held on such day and at such hour and place as may from time to time be determined on and designated in the by-laws.

Special meetings may be called by the president in his discretion, and shall be called on the written request of seven members in good standing.

QUORUM.

Seven members in good standing shall constitute a quorum for the transaction of all business.

MONTHLY DUES.

Monthly dues shall be such sums as may be prescribed in the by-laws.

USES OF FUNDS.

No portion of the funds of the association shall be appropriated for any purpose whatever other than is provided for in the by-laws; and no members shall receive as sick benefits a larger sum than is fixed therein.

PRO RATA DIVIDEND.

At every annual meeting of the association the president shall declare a pro rata dividend of all the funds then in the treasury, which dividend shall be paid by the treasurer to all members of the association entitled thereto: *Provided*, That any member who has received benefits amounting to more than the pro rata dividend shall not be entitled thereto: *Provided, further*, If any member of this association fails to call for his pro rata dividend within six months after it shall have been declared, it shall be forfeited and turned into the treasury.

DISBANDMENT.

By a vote of three-fourths of the members in good standing present at any meeting, when not less than forty members shall constitute a quorum, the association may be disbanded, and the funds thereof shall be distributed pro rata among the members in good standing at the time of such disbandment. But such disbandment and distribution of funds can only take place after due notice in writing has been given to all the members of the association at least one week prior to action thereon.

BENEFIT YEAR.

The benefit year of this association shall begin on the first day of December and end on the thirtieth day of November following.

AUTHORITY TO MAKE BY-LAWS.

Additional to this constitution, and in harmony therewith, the association may make all needful by-laws and rules of order, and alter and change the same on one month's written notice, two-thirds of the members present concurring therein.

AMENDING THE CONSTITUTION.

Amendments to this constitution shall not be acted upon until the succeeding regular meeting after which they are offered; and it shall require a two-thirds vote in favor to adopt.

BY-LAWS.

DUTIES OF OFFICERS.

President.—The president shall preside at all meetings of the association and governing committee when present, countersign all warrants on the treasurer, have the custody of and preserve the official bonds of the financial secretary and treasurer, and discharge the duties appertaining to the office of president. He shall call a meeting of the association at any time upon the written application of seven members.

Vice president.—The vice president shall attend all meetings of the association and governing committee, and shall preside in the absence of the president, assuming all his powers and duties.

Recording secretary.—The recording secretary shall attend all meetings of the association and governing committee, and keep a record of all transactions therein, including the reports of the financial secretary and treasurer; keep a book containing the constitution of the association, in which shall be subscribed the names of all the members and the date of the commencement of their membership; call all meetings of the association and governing committee when ordered by the president, and perform such other duties as may be assigned to him.

Financial secretary.—The financial secretary shall collect all initiation fees and dues, and keep a just and true account of the same; pay them over to the treasurer on or before the stated meeting in each month, taking his receipt therefor; issue all warrants on the treasurer in payment of money; report at each meeting the amount received as dues and initiation fees, and the number of members dropped for nonpayment of dues or for other reasons; make out the annual dividend and submit it to the finance committee for approval, and perform such other duties appertaining to his office as the association may direct. He shall be required to give a bond in the sum of five hundred dollars for the faithful performance of his duties. At the end of his service he shall deliver to the governing committee, or his successor, all books, papers, and valuables of every description under his control belonging to the association.

Treasurer.—The treasurer shall receive all funds from the financial secretary, giving his receipt therefor; deposit the same in a bank which shall be selected by a committee consisting of the president, financial secretary, and treasurer; pay all drafts ordered by the association or governing committee and signed by the president and financial secretary. He shall have in his charge the bank book of the association, keep a correct account of all receipts and disbursements, and at no time shall he retain over \$100 on hand. Whenever required he shall produce his bank book for the inspection of the governing committee, and will not, under any circumstances whatever, be allowed to draw moneys from the bank without the indorsement of the president and financial secretary upon the backs of all checks drawn upon the bank. He shall be required to give a bond in the sum of five hundred dollars for the faithful performance of his duties, and at the expiration of his term of office, or in case of resignation, death, or inability to perform his duties, he shall deliver, or cause to be delivered, to the governing committee, or to his successor in office, all the moneys, books, papers, and valuables of every description in his hands belonging to the association.

DUTIES OF COMMITTEES.

Governing committee.—The governing committee shall have general supervision of the good and welfare of the association. They shall hold meetings at the call of the president, whenever the business of the association shall require it, for the relief of the sick or other causes. They shall act as a committee on membership, to whom shall be referred, one week previous to the regular monthly meeting, all applications for membership, and they shall report to the association what facts they may deem pertinent in connection with such applications. After such report each candidate shall be voted for by ballot, and three negative votes shall reject.

To the governing committee shall also be referred all applications for the relief of members, and they shall report their action in such cases to the association at the next regular meeting. They shall ascertain the condition of each applicant for relief, and fully satisfy themselves as to the propriety of granting such relief under the provisions of the constitution: *Provided*, That in case the applicant is sick while absent from the city the governing committee shall have discretionary power as to the merits of the case on failure of the applicant to comply with the by-laws.

Finance committee.—The finance committee shall make a thorough examination of the accounts of the financial secretary and treasurer at least once in six months (and oftener if so directed by the association), and make a full report in writing of the same to the association.

SICK BENEFITS.

Mode of obtaining.—In the event of the sickness or other disability of any member of this association, he shall be entitled to receive the sum of ten dollars weekly. In all such cases notice shall be given to the president, vice president, or recording secretary, or any member of the governing committee, by the applicant for relief within six days, whereupon the recording secretary shall appoint one or more of the governing committee to visit the sick or disabled member and report at the next meeting of the committee; when, if it appears that he is entitled thereto, he shall receive benefits from such time as the committee shall decide upon; but in no case shall he receive benefits for more than one week prior to application for the same, nor for any period after he has, in the opinion of said committee, recovered from such sickness or disability, and when recovered he shall notify the secretary of date of recovery.

Appeal from governing committee.—In an adverse decision by the governing committee in an application for benefits, a member shall have the right to appeal to the association within one month. Notice shall be given the president of such appeal. At the hearing testimony may be introduced, if sworn to, but may be rebutted by any evidence in the possession of the association. The association shall render a decision upon the facts and in conformity with its constitution and by-laws, and such decision shall be final and binding upon the member appealing, and his signature to the constitution of this association shall be witness of his agreement thereto.

When affidavit is required.—A member who becomes sick or disabled, and who resides so far outside the city limits as to make it inconvenient for a committee to visit him, must accompany his application with the affidavit of a physician, sworn to before a notary public, or any other officer using a seal, which affidavit shall be received only as prima facie evidence of the sickness of the applicant for relief, and may be rebutted by any other evidence which may come to the knowledge of the association.

Benefits allowed.—Benefits shall not be paid for less than one nor more than six weeks' sickness in one association year: *Provided*, That one week shall be held to consist of six consecutive working days; and no benefits shall be paid for the fractional part of a week, except in case of the death of a member while receiving benefits, when he shall be granted benefits for the week in which his decease occurs.

When entitled to benefits.—Benefits shall not be paid to a member until he has paid monthly dues and been a member for two months, which membership shall commence the first day of the month following the day of his election.

Chronic disease.—Any member claiming benefits on account of disease which is found to have been contracted and to have manifested itself prior to his admittance shall be allowed such benefits as the association may deem advisable: *Provided*, however, The applicant has truly informed the association of his condition prior to his election to membership. If he is found to have made false statements, he shall receive no benefits whatever.

Feigned sickness.—Any member who shall feign sickness or disability for the purpose of obtaining the weekly benefits shall be expelled from the association, forfeiting all moneys paid in.

Excessive indulgence.—No benefits shall be paid for sickness arising from excessive indulgence or indiscretion.

REVENUE.

Initiation fee.—Every application for membership in this association must be accompanied by an initiation fee of one dollar and be indorsed by a member of the governing committee.

Monthly dues.—Every member of the association shall pay each month, on or before the 15th, to the financial secretary or his representative, the sum of one dollar, which shall entitle him to all the benefits and privileges of the association.

Should he fail to make such payment, ~~he~~ shall forfeit his right to benefits for that month. And any member who shall fail to make such payment during that month shall be dropped from the roll of membership, and forfeit all right and claim to relief and benefit from the same. Nor shall any person after having been dropped for nonpayment of dues again become a member of this association except by making application for new membership.

SALARIES.

Officers.—The officers' salaries per annum shall be as follows: President, \$10; vice president, \$10; recording secretary, \$60; financial secretary, \$100; treasurer, \$60.

Committees.—The members of the governing committee shall each receive \$10 per annum. The members of the finance committee shall each receive \$5 per annum.

ELECTION AND OBLIGATION OF OFFICERS.

The annual election and installation of officers shall take place at the December meeting. The voting shall be by ballot, and it shall require a majority vote of those present to elect: *Provided*, That in the event of a vacancy during the year, caused either by the death, resignation, or other inability of any officer to perform his duties (such vacancy occurring in the interval between regular monthly meetings), the governing committee shall elect his successor, to serve until the next regular meeting.

Before assuming the duties of their respective offices, the officers shall take the following obligation: "I, — —, do pledge my honor that I will, to the best of my ability, discharge the duties devolving on me as — of this association, and earnestly endeavor to maintain its integrity."

MONTHLY MEETINGS.

The association shall meet regularly on the first Sunday after the second Monday in each month, at such hour as may be designated by the recording secretary. Special meetings may be held, as provided for above, and any business that may properly come before a regular meeting may be transacted at a special meeting. At all meetings seven members shall constitute a quorum for business.

ATTENDANCE OF OFFICERS.

Should an officer of the association, or a member of the governing committee, fail for two consecutive months to attend the meetings of the association or governing committee, his office shall be declared vacant and his successor elected or appointed at the next regular meeting, unless he furnishes a reasonable excuse for not attending.

PRESERVATION OF PAPERS.

All applications for membership, letters, bills, reports, or communications pertaining to the business of the association shall be preserved for future reference by the proper officers.

WITHDRAWAL.

No member shall be entitled to demand the return of any money which he shall pay into the treasury of this association, except in case of his withdrawing from the employ of the office, voluntarily or otherwise; but in the event of his failure to comply with the constitution and by-laws he shall forfeit all right to the same and all participation in the benefits thereof, and his signature to the constitution shall be a testament of his agreement thereto.

Members who resign or are discharged from employment in the Government Printing Office, or any of its branches, and who leave the city, are requested to withdraw from the association, and the secretaries shall so record them.

DROPPED MEMBERS.

of this association who, after having drawn benefits, allows himself to be dropped shall again be eligible to membership.

FRAUD.

Any member be accessory to any imposition, or aid or abet any other member in committing a fraud upon this association, he shall be considered as guilty as the perpetrator, and also be expelled, forfeiting all moneys paid in.

SIGNING CONSTITUTION.

Every member shall sign a book to be kept by the recording secretary, which shall contain the constitution, and shall then become a member in good standing, entitled to the reliefs and benefits of this association, subject to the conditions of this constitution and by-laws.

AMENDING THE BY-LAWS.

The by-laws must be amended in the mode provided for in the constitution.

The association has been a success from its inception. During the thirteen years and nine months of its existence it has furnished assistance to 682 sick or disabled members to the amount of \$17,860, covering a period of 1,786 weeks. The total amount paid into the treasury during this time as dues, initiation fees, and fines has aggregated \$51,885; and the disbursements for pro rata dividends have amounted to \$31,242. The average pro rata dividend for the 13 full years was \$9.05 per year, making the average cost per year for each member but \$2.95.

By referring to the financial statement, it will be seen that a person who has been a member from the beginning of the association will have received as dividends the sum of \$123.88, in addition to the benefits which he may have been entitled to on account of sickness. Thus relief has been furnished at actual cost, which was the object in view, and, though not so intended, the association has operated as a savings institution. The employees of the Government Printing Office now number over three thousand.

MEMBERSHIP AND OPERATIONS OF THE GOVERNMENT PRINTING OFFICE MUTUAL RELIEF ASSOCIATION.

Year ending—	Members.	Members drawing sick benefits.	Aggregate weeks of sick benefits.	Payments for sick benefits.	Receipts from dues.	Receipts from initiation fees.	Pro rata dividend to each member.	Cost of insurance per member.
November 30—								
1883 (a)	49	5	9	\$90	\$236	\$46	\$8.24	\$2.76
1884	113	20	44	440	993	64	7.94	4.06
1885	142	20	39	390	1,258	598	10.33	1.67
1886	189	28	53	530	2,148	5194	11.30	.70
1887	246	37	106	1,060	2,630	5252	9.00	3.00
1888	204	38	95	950	3,299	5241	10.00	2.00
1889	413	59	163	1,630	4,285	5349	8.85	3.15
1890	356	58	150	1,500	4,143	275	9.00	3.00
1891	395	63	181	1,810	4,655	333	8.70	3.30
1892	410	66	193	1,930	4,917	270	8.55	3.45
1893	415	73	191	1,910	4,994	275	8.45	3.55
1894	314	65	155	1,550	4,622	63	8.87	3.13
1895	424	60	182	1,820	4,691	162	8.00	4.00
1896	538	83	225	2,250	6,181	161	8.65	3.35

a Nine months only.

b Including fines.

EQUITABLE RELIEF ASSOCIATION, WASHINGTON, D. C.

Following the successful operation of the Mutual Relief Association, another association was formed in the Government Printing Office May 16, 1893, but its membership was not confined to that office, as was the case with the older association. Only white male persons were eligible. Its essential features are about the same as those of the other association. In the event of sickness or other disability of any member, he is entitled to \$10 per week. Such benefits are not paid for less than one nor more than six consecutive weeks' sickness from the same cause in one fiscal year. One week consists of six consecutive working days, and no benefits are paid for fractional parts of a week except in case of the death of a member while receiving benefits, when he is granted benefits for the week in which his death occurs. Benefits are not paid to a member until he has been connected with the association for two months and paid monthly dues for that period. Monthly dues are \$1, and the initiation fee is the same. Members allowing themselves to be dropped from the association after having drawn benefits are not again eligible to membership.

Pro rata dividends are declared at the annual meetings of all funds in the treasury to all members of the association entitled thereto. Members having received benefits amounting to more than the pro rata dividend are not entitled to further dividends. Pro rata dividends are also paid to members in good standing who may voluntarily resign, and who have not drawn sick benefits equal to the amount of the dividend. The association may be disbanded by a vote of three-fourths of the members in good standing present at any meeting, one week's notice having previously been given. Not less than 25 members shall constitute a quorum at such meeting. The funds are distributed pro rata among the members in good standing at the time of the disbandment.

The operations of the Equitable Relief Association for each year of its existence are shown in the table following. From the figures therein it will be seen that for the comparatively small monthly payment of \$1 those composing the membership not only secured for themselves a fair weekly income in case of sickness, but had returned to them at the end of the year about three-fourths of the amount they had paid in:

MEMBERSHIP AND OPERATIONS OF THE EQUITABLE RELIEF ASSOCIATION.

Year ending—	Members.	Members drawing sick benefits.	Aggregate weeks of sick benefits.	Payments for sick benefits.	Receipts from dues.	Pro rata dividend to each member.	Cost of insurance per member.
December 19—							
1893 (a)	90	11	23	\$230	\$687.00	\$5.18	\$1.82
1894	123	36	87	870	1,643.50	7.08	4.92
1895	180	24	52	520	1,098.99	8.45	2.55
1896	294	35	80	890	3,422.94	9.12	2.88

a Seven months only.

WOMEN'S BINDERY MUTUAL RELIEF, WASHINGTON, D. C.

This association is composed exclusively of female employees of the Government Printing Office, and was organized December 6, 1894. The membership was 300 on October 1, 1898. The initiation fee is 50 cents, and the dues are 50 cents per month. Sick benefits are \$5 per week. All funds on hand are divided pro rata among the members annually. The general rules of the Women's Bindery Mutual Relief are based on the same plans as the earlier-formed associations of the Government Printing Office.

WORLD BENEFIT ASSOCIATION, NEW YORK, N. Y.

In some cities, where large numbers of compositors and others engaged in the printing and allied trades are employed in a single establishment, the usual form of relief associations has been modified by incorporating a money-lending provision in the by-laws. By this provision the members may secure short-time loans at a moderate rate of interest, and the amount of the pro rata dividend is therefore increased.

The World Benefit Association, one of the three relief associations existing in the New York World newspaper office, furnishes an illustration of this feature, which is well described in the following section from Article VII of the constitution:

SECTION 1. The secretary-treasurer shall have power to loan all funds in excess of \$30 to members of the association in good standing (free from any indebtedness) to an amount not to exceed \$10 to any individual member, and at a rate of interest of 2 per cent per week, interest to be paid weekly. Said \$10 loan to be divided into two classes: Class A and Class B. In Class A, members are entitled to a loan of \$5 in the order of their application. Class B: When all the members who wish it have received Class A loans, an extra \$5 may be loaned to them in the order of their application. Should it be necessary to call in the loans at any time to prevent an assessment, the loans taken out in Class B shall be the first called in, and in the order in which they were loaned out. The secretary-treasurer shall make a note of Class B loans on the stub opposite the borrowers' names.

Section 2 provides that no names shall be received for loans for a new term more than three weeks prior to the closing of a term.

This association was organized April 16, 1895. Membership is open to employees from any department of the World office. Dues were 25 cents per week until the last period, when they were increased to 50 cents per week. Ten dollars per week is paid for sickness for a period of 13 weeks. Relief is not allowed if caused from the immediate effect of drunkenness. Members are exempt from payment of dues during illness. Members who have received benefits shall be entitled to a share of the semiannual dividends the same as other members.

MEMBERSHIP AND OPERATIONS OF THE WORLD BENEFIT ASSOCIATION.

Six months ending—	Members.	Members drawing sick benefits.	Aggregate weeks of sick benefits.	Payments for sick benefits.	Receipts from dues.	Receipts from initiation fees and interest.	Pro rata dividend to each member.
October 15, 1895	47	10	28	\$280	\$344.50	\$276.00	\$4.65
April 14, 1896	71	15	30	300	478.25	288.25	3.50
October 13, 1896	109	17	58	580	749.25	402.25	4.00
April 13, 1897	121	17	65	650	883.00	323.00	3.00
October 12, 1897	140	15	50	500	1,800.00	423.00	11.50

WORLD MUTUAL BENEFIT SOCIETY, NEW YORK, N. Y.

The three relief associations in the World newspaper office are conducted upon similar lines. The financial operations of the World Mutual Benefit Society show more clearly than the others the results of the interest-bearing loan feature. In this association settlements are made semiannually. The amount of interest received since its organization on July 5, 1892, has aggregated \$3,578.85, resulting in increasing the pro rata dividend largely and in some instances reducing the cost of relief to nothing for the half year.

Employees of the World composing-room floor over 21 years of age are eligible to membership. The initiation fee is \$1 and the weekly dues are 25 cents. Sick benefits are paid not to exceed 13 weeks in any half year, and sick members are exempt from paying dues, but are required to pay interest on borrowed money. Sick benefits are not allowed to any member suffering from venereal disease or from the immediate effects of drunkenness. Members receiving benefits during the term are not entitled to a dividend. Those leaving the employ of the office and continuing to pay weekly dues may retain their membership until the end of the term, and are entitled to all benefits and a pro rata share in the semiannual dividend. Any funds of the association in excess of \$50 may be loaned to members in amounts not to exceed \$5 at 5 per cent interest per week.

MEMBERSHIP AND OPERATIONS OF THE WORLD MUTUAL BENEFIT SOCIETY.

Six months ending—	Members.	Members drawing sick benefits.	Aggregate weeks of sick benefits.	Payments for sick benefits.	Receipts from interest on loans to members.	Receipts from dues.	Receipts from initiation fees.	Pro rata dividend to each member.	Cost of insurance per member.
December 31, 1892.	96	7	35	\$360	\$323.80	\$286.25	.....	\$5.00	\$1.50
June 30, 1893	123	20	85	850	838.85	763.75	\$38	2.25	4.25
December 31, 1893.	118	11	44	440	448.29	756.05	14	6.50	.....
July 31, 1894 (a) ..	121	11	52	520	508.10	787.00	18	3.75	2.75
January 31, 1895 ..	110	8	22	220	278.20	661.00	5	7.40	.....
July 31, 1895	112	15	63	630	285.00	701.00	12	2.50	3.00
January 31, 1896 ..	114	14	63	630	297.00	727.50	.....	2.00	4.50
July 31, 1896	120	11	35	350	281.65	761.25	17	6.80	.....
January 31, 1897 ..	115	14	50	500	302.36	712.50	8	4.00	2.50
July 31, 1897	114	13	55	550	325.10	712.25	8	4.25	2.25

a No financial operations for one month.

COMPOSING-ROOM RELIEF ASSOCIATION OF THE WORLD, NEW YORK, N. Y.

This association was organized October 5, 1889, and reorganized November 6, 1894. No persons are eligible for membership except those employed in the composing room. The dues are 25 cents, payable weekly. The sum of \$10 per week is paid to any member sick or incapacitated for work, limited to 13 weeks in any half year. The funds of the association in excess of \$50 may be loaned to members in amounts not to exceed \$5, at the rate of 2 per cent interest per week. The funds of the association are divided pro rata among the members in good standing in the months of May and November of each year, after deducting the sum of \$1 per member.

MEMBERSHIP AND OPERATIONS OF THE COMPOSING-ROOM RELIEF ASSOCIATION OF THE WORLD.

Six months ending—	Members.	Members drawing sick benefits.	Aggregate weeks of sick benefits.	Payments for sick benefits.	Receipts from dues.	Receipts from initiation fees and interest.	Pro rata dividend to each member.	Cost of insurance per member.
May, 1890	48	(a)	12	\$120	\$312	\$2	\$2.25	\$4.25
November, 1890 (b)	67	(a)	21	210	427		1.00	4.90
May, 1894	209	(a)	52	520	681	767	2.25	4.25
November, 1894	174	(a)	148	1,480	1,410	470	.65	5.85
May, 1895	116	15	45	450	775	430	4.00	1.90
November, 1895	123	15	59	590	788	511	4.25	2.25
May, 1896	141	24	79	790	910	415	2.00	4.50
November, 1896	147	15	70	700	953	454	3.00	3.50
May, 1897	160	14	71	710	995	431	2.50	4.00
November, 1897	149	12	65	650	950	500	2.75	3.75

a Not reported. b No data obtainable for the time between November, 1890, and November, 1893.

NEW YORK TIMES MUTUAL BENEFIT ASSOCIATION, NEW YORK, N. Y.

Any person employed in the composing room of the New York Times may become a member of this association upon making a deposit of \$2 with the secretary-treasurer, together with a certificate of good health, if deemed necessary, from a regular physician. The weekly dues are 25 cents, sick members being exempt. The sum of \$10 per week is paid to any sick or incapacitated member, but no benefit is paid for a fractional part of a week. The funds of the association are divided pro rata among the members in good standing, who have not drawn three weeks' benefits, in the months of June and December of each year, after deducting the sum of \$2 per member, which sum so deducted remains in the treasury, except in case of withdrawals. Members leaving the office must sever their connection with the association and receive their pro rata share of the funds up to the date of leaving. Money is loaned to members, but not to exceed \$15 at any one time. New members can not borrow money until after they have been members four weeks. Money is also loaned without interest for short periods upon resolution of the association.

Since 1883, when the association was organized, 105 members have drawn \$9,300 in benefits, aggregating 930 weeks' sickness, and the sum of \$4,300 has been divided pro rata among the members. The sum of \$15,860 has been received from dues.

MAIL AND EXPRESS BENEVOLENT SOCIETY, NEW YORK, N. Y.

This relief association is restricted to members of Typographical Union No. 6, of New York, employed in the Mail and Express composing room, and was organized in 1887. It has made a remarkable showing in connection with its interest-loaning feature, the interest from loans aggregating so much that the pro rata dividends have amounted to more than the cost of insurance per member in each half-year period, with one exception. The dues are 25 cents per week. In the event of sickness or other disability, \$10 per week is paid, limited to 16 weeks' continuous relief. Members receiving benefits exceeding the pro rata share are not entitled to dividends. The table shows the operations of the society from 1893, data for previous years not being obtainable, as the books were destroyed.

MEMBERSHIP AND OPERATIONS OF THE MAIL AND EXPRESS BENEVOLENT SOCIETY.

Six months ending—	Members.	Members drawing sick benefits.	Aggregate weeks of sick benefits.	Payments for sick benefits.	Receipts from dues and interest.	Pro rata dividend to each member.	Cost of insurance per member.
June 30, 1893.....	37	3	8	\$80	\$346.30	\$6.95	.....
December 31, 1893.....	39	2	9	90	400.16	7.30	.....
June 30, 1894.....	33	1	3	30	353.20	8.85	.....
December 31, 1894.....	35	.....	.....	.....	392.50	10.10	.....
June 30, 1895.....	37	4	9	90	342.85	6.59	.....
December 31, 1895.....	31	3	20	200	232.50	.....	\$7.50
June 30, 1896.....	38	1	7	70	354.20	6.60	.....
December 31, 1896.....	36	2	4	40	375.80	8.70	.....
June 30, 1897.....	33	1	3	30	353.20	8.85	.....

PRESS BENEVOLENT ASSOCIATION, NEW YORK, N. Y.

This association was organized January 1, 1888, and its membership restricted to employees of the newspaper composing room. Dues are 25 cents per week, but a member who is ill is exempted during such illness. Death benefits are paid by an assessment of \$1 per member. Two weeks' arrearage in dues causes a member to forfeit his membership. In case the regular dues are not sufficient to pay benefits an assessment is levied. Statistics are not available, except for the year ending August 1, 1897, which are as follows: Number of members, 50; number of members drawing sick benefits, 14; aggregate number of sick benefits, 52; amount paid in sick benefits, \$526.05; number, 2; amount paid in death benefits, \$97; amount received \$37; amount received from initiation and other fees, \$100; dividend to each member, 75 cents.

TRIBUNE BENEFIT ASSOCIATION, NEW YORK, N. Y.

This association was organized April 7, 1889. Any member of the working force in the composing room or its dependencies, in ordinary good health and drawing a salary of \$15 or over per week, is eligible to membership. The initiation fee is \$1, and the weekly dues are 25 cents. A reserve fund is held to the amount of \$200, and, if necessary, assessments are levied to maintain it. In the event of the death of a member in good standing the sum of \$100 is paid to the family of the deceased or representative thereof. The funds of the association, except the reserve noted above, are divided among the members pro rata semiannually.

MEMBERSHIP AND OPERATIONS OF THE TRIBUNE BENEFIT ASSOCIATION.

Year.	Members.	Members drawing sick benefits.	Aggregate weeks of sick benefits.	Payments for sick benefits.	Death benefits.	Payments for death benefits.	Receipts from dues.	Receipts from initiation fees.	Pro rata dividend to each member.
1889 (a)	58	6	31	\$310	-----	-----	\$475	\$2	-----
1890	56	6	29	290	-----	-----	413	1	-----
1891	59	8	31	310	-----	-----	312	8	-----
1892	60	14	30	300	-----	-----	880	41	\$3. 75
1893	62	16	73	730	1	\$100	961	7	1. 25
1894	58	7	41	410	-----	-----	750	9	1. 75
1895	58	5	22	220	3	300	880	14	2. 50
1896	58	10	40	400	1	100	880	20	2. 00
1897 (b)	59	8	23	230	-----	-----	367	4	1. 75

a Nine months only.

b Six months.

DAILY NEWS SICK BENEFIT AND LOAN ASSOCIATION, NEW YORK, N. Y.

This association was organized August 24, 1896. The membership is open to printers, editors, and reporters. The initiation fee is \$1, and the weekly dues are 25 cents. Surplus money is loaned to members at a low rate of interest. Statistics are available only for the six months ending August 23, 1897, and are as follows: Number of members, 39; number of members drawing sick benefits, 1; number of weeks of sick benefits, 4; amount paid for sick benefits, \$28; amount received from dues, \$251.25; amount received from initiation fees, \$39; pro rata dividend to each member, \$5.31; cost of insurance per member, \$1.19.

SICK BENEFIT SOCIETY OF THE GERMAN PRINTERS OF NEW YORK, N. Y., AND VICINITY.

This society (Der Kranken-Unterstützungsverein der Deutschen Buchdrucker von New York und Umgegend) was founded January 31, 1852, and the constitution was revised January 4, 1891, and October 7, 1894. Its membership is open to all persons in good standing in the German-American Typographia and the International Typographical Union, and who pass a physician's examination as to good health. According to the revised constitution the initiation fee is \$2. Dues are 15 cents

per week. An assessment of 75 cents is made upon the death of a member, and the society sets aside the sum of \$100 for funeral expense. If the deceased leaves no relatives, the executive committee attends to the burial, and any surplus that may remain, if the deceased has no other provision, reverts to the fund of the society. An assessment of 25 cents is made upon the death of a member's wife, if he has been a member of the society at least six months, and the sum of \$50 is paid for the funeral expenses.

During sickness or disability the sum of \$5 per week is paid until the member has drawn \$300, and afterwards the benefit is reduced to \$3 per week until the amount reaches \$200 more, or \$500 in all, whereafter all such payments cease. When a member has drawn \$500, the association may, by the payment of an additional \$100, purchase a release whereby all obligations of the society toward the member may be extinguished. Every person is entitled to benefits who has been a member three months and has promptly paid his dues. If a member leaves the city of New York, but remains within the United States, he may retain his membership by paying dues three months in advance and 25 cents per quarter additional.

Complete data for this society are not available.

According to the schedule received from the society, the following data for the year ending June 30, 1897, are obtained: Number of members, 66; number of members drawing sick benefits, 17; aggregate number of weeks of sick benefits, 127; amount paid for sick benefits, \$50; number of deaths, 4; amount paid for death benefits, \$350; cost of insurance per member, \$10.80.

WYNKOOP & HALLENBECK BENEFIT ASSOCIATION, NEW YORK, N. Y.

This association was organized March 18, 1893. Any person (male or female) in the employ of Wynkoop & Hallenbeck, printers, who is in good physical health is eligible to membership and may participate in the benefits of the association, provided that in case of sickness or disability such condition is not the direct result of his or her misconduct. By the amended constitution of November 3, 1894, the initiation fee is \$1 and the dues are 25 cents per month. If at any time it be deemed necessary, the board of managers may order an assessment to meet any extraordinary claims upon the association. All applicants for membership are required to pass a medical examination before being admitted into the association. Members in good standing who may be prevented by sickness or injury from pursuing their usual vocation receive \$6 per week for the first 12 weeks (and at the rate of \$6 per week for fractions of a week beyond one week) of such sickness or injury; \$3 per week for the ensuing 6 weeks, and for any subsequent period during which such ailment shall continue, a sum which shall be determined upon at a special meeting called to take action.

upon the case. No benefits shall be paid for disability continuing less than one week. No person shall be entitled to benefits until he or she shall have been a member in good standing for three months. In case of the death of a member in good standing, the sum of \$75 shall be paid to the legal representative of such deceased member. Should there not be sufficient money in the treasury to meet the demand, an assessment shall be collected from each surviving member to meet the deficiency. The association shall not be dissolved while 50 members remain in good standing.

MEMBERSHIP AND OPERATIONS OF THE WYNKOOP & HALLENBECK BENEFIT ASSOCIATION.

Year ending—	Mem- bers.	Members drawing sick benefits.	Aggre- gatedays of sick benefits.	Payments for sick benefits.	Death benefits.	Payments for death benefits.	Re- ceipts from dues.	Re- ceipts from initia- tion and other fees.	Cost of insur- ance per member.
March 17, 1894.....	92	7	82	\$82.00	1	\$87.00	\$295.50	\$18.54	\$3.00
February 28, 1896....	97	13	125	125.00	.....	274.50	30.13	.....	3.00
February 29, 1896....	108	12	205	205.00	.....	268.50	152.63	.....	3.00
February 28, 1897....	103	12	185	185.00	1	75.00	239.75	231.08	3.00

STANDARD-UNION MUTUAL BENEFIT ASSOCIATION,
BROOKLYN, N. Y.

This association was organized December 27, 1887. The membership is restricted to employees of the Standard-Union. There is a loan feature attached, borrowing members being charged a sufficient interest, pro rata, to pay the expense of management. The rate of interest varies according to the amount borrowed, but will average 2 per cent per month.

MEMBERSHIP AND OPERATIONS OF THE STANDARD-UNION MUTUAL BENEFIT ASSOCIATION.

Year.	Mem- bers.	Members drawing sick benefits.	Aggre- gate weeks of sick benefits.	Payments for sick benefits.	Receipts from dues.	Pro rata dividend to each member.	Cost of insur- ance per member.
1888.....	21	2	7	\$49	\$262.50	\$10.15	\$2.35
1889.....	24	.....	.....	.....	260.50	12.50	.....
1890.....	25	1	12	84	263.00	7.10	5.40
1891.....	30	.....	.....	.....	375.00	12.50	.....
1892.....	30	4	10	70	375.00	10.15	2.35
1893.....	30	1	5	35	375.00	11.30	1.30
1894.....	32	.....	.....	.....	400.00	12.50	.....
1895.....	36	3	12	91	450.00	9.90	2.00
1896.....	36	2	6	42	450.00	11.35	1.15

UTICA TYPOGRAPHICAL BENEFIT ASSOCIATION, UTICA, N. Y.

This association was organized March 14, 1891. Any member of Utica Typographical Union, No. 62, who has been such for three consecutive months, is entitled to membership. An initiation fee of 50 cents is charged, and each member pays 25 cents per week until the amount of \$5 has been paid, after which he is not required to pay dues. When the amount of money in the treasury falls below \$3 per capita the weekly dues of 25 cents are resumed until the sum in the treasury is again \$5 per capita. A member having paid dues to the amount of \$5, and wishing to withdraw from the association, shall be entitled to 50 per cent of his pro rata share of the fund as it then stands. The amount of sick benefits a member shall receive is \$5 per week, limited to not more than 26 weeks in any 52 consecutive weeks. Dues are remitted during sickness. On the death of a member in good standing an assessment of \$1 is levied upon each member; if there is sufficient surplus over \$5 per capita, the death benefit shall be paid from said surplus and no assessment levied.

The funds of the association are loaned to members, not to exceed \$5 to each, at the rate of 3 per cent per week. The interest received from loans has kept the amount in the treasury above \$3 per capita, and no member has paid dues, except new members, since September 7, 1895. Dividends may be declared semiannually and divided pro rata among all members of the association, if so ordered by a two-thirds vote at the semiannual meetings. Statistics are not available for the years preceding 1895.

MEMBERSHIP AND OPERATIONS OF UTICA TYPOGRAPHICAL BENEFIT ASSOCIATION.

Year ending—	Members.	Members drawing sick benefits.	Aggregate weeks of sick benefits.	Payments for sick benefits.	Death benefits.	Payments for death benefits.	Receipts from dues, initiation fees, interest, etc.	Pro rata dividend to each member.
December 31, 1895....	47	(a)	69	\$345	1	\$44	\$815.74	\$6.42
December 31, 1896....	59	11	61	305	.....	.....	731.44	6.80
August 31, 1897 (b) ...	50	8	35	175	2	106	471.01	5.52

a Not reported.

b Eight months.

BOSTON HERALD COMPOSING ROOM MUTUAL BENEFIT ASSOCIATION, BOSTON, MASS.

This association was organized in October, 1884. The membership is confined to employees of the Herald composing room. Regarding the payment of dues, the following sections from the constitution are cited:

SECTION 14. Each member shall deduct in his weekly bill the sum of cents as dues to this association until the funds in the hands of the secretary-treasurer shall amount to \$200, and then a assess-

ment shall be 10 cents per week, and for each week in which no bill is rendered the amount of the assessment of that week shall be deducted in the first bill presented thereafter. All assessments shall be suspended during the time a member draws relief.

SEC. 15. Whenever the amount in the hands of the secretary-treasurer shall fall below the sum of \$100 an extra assessment per member shall be levied, to be deducted as provided for in section 14, the secretary-treasurer to post a notice of the extra assessment in a conspicuous place in the office before the preceding Tuesday.

The amount paid for sick benefits is \$1 per day, but benefits are not allowed for more than 13 weeks in any six months. On the death of a member \$50 is paid to the family or nearest of kindred of the deceased. During the past seven years the association has paid 13 death benefits, amounting to \$650. The association also embraces a money-lending feature extending to those who have been members for three months. A member may borrow a sum not to exceed \$15. Statistics for the years preceding 1890 are not available.

MEMBERSHIP AND OPERATIONS OF THE BOSTON HERALD COMPOSING ROOM
MUTUAL BENEFIT ASSOCIATION.

Year.	Members.	Members drawing sick benefits.	Aggregate days of sick benefits.	Payments for sick benefits.	Receipts from dues.	Receipts from initiation and other fees and interest.	Pro rata dividend to each member.
1890.....	166	32	1,280	\$1,280	\$1,319.40	\$487.84	.....
1891.....	161	34	1,281	1,291	1,165.60	720.00	.....
1892.....	171	32	1,097	1,097	798.60	1,871.35	.....
1893.....	178	33	1,160	1,160	830.10	2,411.95	\$13.50
1894.....	139	46	1,461	1,461	762.90	1,831.35	5.00
1895.....	141	22	796	796	622.90	1,146.10	.....
1896.....	143	25	904	904	688.30	1,801.25	10.00

POST SICK BENEFIT SOCIETY, BOSTON, MASS.

This association was organized January 1, 1892. Only employees of the composing room are eligible to membership. The initiation fee is \$2. One dollar per member is retained in the treasury each quarter to form a sinking fund, until the sum of \$5 per member has been accumulated, at which time the \$1 assessment or contribution shall cease. Anyone who is eligible may join at any time during the quarter by paying an amount equal to that to the credit of each member. The dues are 50 cents per week, and in case a member neglects or refuses to pay his dues for three consecutive weeks his name is dropped from the membership list and he forfeits all money previously paid.

Money is loaned to members at the rate of 1 per cent per week. In the event of a surplus fund in the treasury the secretary-treasurer may, at his discretion, loan money to persons not members, provided the persons desirous of borrowing have a sufficient amount due them for work performed in the Post composing room to cover said loan. Sick or disabled members are paid \$1 per day. No one is entitled to bene-

fits until he has been a member at least four weeks, nor to more than three months' benefits in any six months. All benefits are paid weekly, and the dues of a member who is sick more than one week are remitted. Withdrawing members are entitled to a pro rata share of all money in the treasury at the time of withdrawal. The pro rata division occurs every thirteenth week, unless otherwise voted by the association.

The financial affairs of the association being closed every 13 weeks and the accounts audited, it was not deemed necessary by the society to retain data after the close of the year. During the year ending January 1, 1897, the association paid \$224 to 9 sick members, covering an aggregate of 32 weeks, and collected \$850 from dues, initiation fees, and interest.

MUTUAL BENEFIT ASSOCIATION OF THE POST, BOSTON, MASS.

This association was organized June 1, 1896, and only persons working for the Post are eligible to membership. Members who joined the association prior to July 15, 1896, were exempt from paying an initiation fee; to those joining after that date the initiation fee is \$1. The dues are 10 cents per week, and when the sum of \$100 has accumulated in the treasury dues cease until the sum becomes less than \$100, when the regular dues of 10 cents per week are again collected. No funds are loaned or paid out for any purpose whatever except for sick benefits, which are paid at the rate of \$5 per week (seven days constituting a week); but no benefits are given for any illness or disability of less than one full week, nor for more than 10 weeks in any one year.

In accordance with the constitutional provision that no dues shall be collected when the sum of \$100 has accumulated in the treasury, there were none collected during the months of March, April, and May, 1897. The membership and operations of the association for the year ending June 1, 1897, are as follows: Number of members, 34; number of members drawing sick benefits, 4; aggregate weeks of sick benefits, 7; amount paid for sick benefits, \$35; amount received from dues, \$138; amount received from initiation fees, \$3; cost of insurance per member, \$3.05.

ADVERTISER AND RECORD BENEFIT AND LOAN ASSOCIATION, BOSTON, MASS.

This association was organized September 15, 1895. Employees in any department are eligible to membership. The dues are 25 cents, payable weekly. Sick benefits are \$7 per week. The association also loans money to its members.

MEMBERSHIP AND OPERATIONS OF THE ADVERTISER AND RECORD BENEFIT AND LOAN ASSOCIATION.

Year ending—	Members.	Members drawing sick benefits.	Aggregate weeks of sick benefits.	Payments for sick benefits.	Receipts from dues.	Receipts from initiation and other fees and interest.	Pro rata dividend to each member.
September 15—							
1896	50	3	39	\$273	\$650	\$414	\$8
1897	48	2	7	49	614	382	17

ROCKWELL & CHURCHILL MUTUAL BENEFIT ASSOCIATION, BOSTON, MASS.

This association was organized in July, 1878, and is one of the oldest associations paying sick and death benefits. The dues are only 5 cents per week, a fact for which the association is noted. The initiation fee is \$2, and assessments may be levied from time to time. The essential features of the association are given in the revised constitution and by-laws adopted at the meeting in November, 1894. Any employee in the office of Rockwell & Churchill, printers, is eligible to membership, provided he or she has been in their employ at least six months, consecutively, immediately preceding the application. Members leaving the establishment may continue their membership as long as they conform to the requirements of the constitution. The members are allowed to borrow small sums from the association at the rate of 1 per cent per week. It is stated that the interest received from this source amounts to nearly as much as the amount received from dues.

Sick benefits of \$5 per week are paid, but are not continued for a longer time than 13 weeks in the course of one year from the date of first application. On the death of a member the sum of \$75, less all debts which may have become due from the deceased, is paid to the heirs. Prior to July, 1885, an assessment of \$1 per member was made for death benefits. For the purpose of carrying out the objects of the association a fund is established upon which no drafts are made that will reduce it to less than \$500. In case there is not sufficient money in the treasury, in excess of \$500, to meet claims which have accrued, an assessment, not to exceed 50 cents, is levied pro rata upon the members. The association may not be dissolved so long as ten members are willing to continue it. Should the membership decrease to nine these nine may dispose of the funds as they deem proper, after which the association ceases to exist.

MEMBERSHIP AND OPERATIONS OF THE ROCKWELL & CHURCHILL MUTUAL
BENEFIT ASSOCIATION.

Year ending—	Mem- bers.	Members drawing sick benefits.	Aggre- gate weeks of sick benefits.	Payments for sick benefits.	Death benefits.	Payments for death benefits.	Receipts from durs.	Rece- from tial fa
July, 1879	55	6	43	\$215	1	\$55	\$140.00	
July, 1880	61	11	99	495			164.00	
July, 1881	83	7	74	370			220.00	
July, 1882	101	25	96	480	2	169	255.00	
July, 1883	89	13	110	550	1	89	239.10	
July, 1884	79	13	111	555	2	162	213.65	
July, 1885	81	6	37	185	1	75	206.15	
July, 1886	89	11	81	405	2	150	231.50	
July, 1887	76	19	136	680	3	225	205.40	
July, 1888	69	12	67	335	1	75	180.50	
July, 1889	79	23	116	580	1	75	164.27	
July, 1890	96	24	95	475	2	150	214.05	
July, 1891	91	16	72	360	1	75	220.50	
July, 1892	123	24	87	435			252.45	
July, 1893	122	33	106	530			322.65	
July, 1894	126	27	91	455			327.80	
January 31, 1895 (a) ..	129	14	64	320			187.40	
January 31, 1896	126	29	129	645	1	75	326.50	
January 31, 1897	124	23	151	755			324.55	

a Seven months.

UNIVERSITY PRESS RELIEF ASSOCIATION, CAMBRIDGE
MASS.

This association was organized March 3, 1883. Any person employed in any capacity in the University Press, in good health, is eligible for membership. A member becoming sick or disabled is entitled to a sum of \$5 per week, limited to seven weeks in the year, except by the unanimous vote of the investigating committee. Dues are remitted during illness. The dues are 10 cents for each fortnight. The investigating committee is composed of 9 members, 3 of whom are women.

MEMBERSHIP AND OPERATIONS OF THE UNIVERSITY PRESS RELIEF ASSOCIATION

Year.	Mem- bers.	Members drawing sick benefits.	Payments for sick benefits.	Re- f durs
1883 (a)	86	8	\$163.85	
1884	110	28	382.45	
1885	118	19	308.39	
1886	128	18	295.56	
1887	158	27	493.00	
1888	141	22	429.18	
1889	136	22	414.17	
1890	173	35	411.99	
1891	165	21	305.64	
1892	208	26	526.65	
1893	208	35	597.82	
1894	156	28	455.83	
1895	158	17	321.67	
1896	154	34	500.79	

a Ten months only.

RIVERSIDE PRESS MUTUAL BENEFIT ASSOCIATION, CAMBRIDGE, MASS.

This association was organized August 30, 1883. The membership is limited to a single establishment, The Riverside Press, but may include members of the firm and clerks as well as employees of the printing, binding, and electrotype departments. Leaving the employ of the establishment terminates membership in the association.

The fee for admission to the association is \$1 for adult males and indentured apprentices and 50 cents for all other persons. The dues are 10 cents per week for adult males and indentured apprentices and 5 cents per week for all other persons. The benefits for sick or disabled members are, for adult males and indentured apprentices, \$6 per week; for others, \$3 per week, payment to be computed from the commencement of the disability, and all arrearages to be deducted from the first payment. No member shall receive benefits for any fractional part of the first week of disability, nor for more than 13 weeks in any one year, except upon a two-thirds vote of the association. Benefits are not paid to members of less than two months' standing. Members are not required to pay dues or assessments while receiving benefits. A death benefit of \$50 is paid to the immediate relatives or friends of deceased members, or used to defray funeral or other expenses at the discretion of the board of government.

Money received from the female members of the association is applied to the payment of sick and death benefits of female members only. All other money received is used to pay the running expenses of the association and the sick and death benefits of the male members.

MEMBERSHIP AND OPERATIONS OF THE RIVERSIDE PRESS MUTUAL BENEFIT ASSOCIATION.

Year.	Members.			Members drawing sick benefits.	Aggregate weeks of sick benefits.	Payments for sick benefits.		
	Males.	Females.	Total.			Males.	Females.	Total.
1883 (a)	102	58	160	1	3	(b)	(b)	\$18.00
1884	146	66	212	39	136	\$548.00	\$137.47	685.47
1885	144	56	200	41	192	674.00	241.25	915.25
1886	158	69	227	36	145	525.50	162.25	687.75
1887	166	75	241	46	176	713.50	182.50	896.00
1888	161	75	236	51	212	812.00	251.75	1,063.75
1889	161	74	235	49	149	683.50	119.50	803.00
1890	159	75	234	57	175	637.00	199.25	836.25
1891	150	72	222	45	143	510.25	207.25	717.50
1892	148	64	212	51	272	1,070.20	349.50	1,419.70
1893	154	64	218	39	178	625.15	234.00	859.15
1894	136	59	195	29	123	571.00	94.75	665.75
1895	142	52	194	39	167	756.00	119.50	875.50
1896	146	41	187	19	54	201.50	* 67.00	268.50

a Four months only.

b Not reported.

MEMBERSHIP AND OPERATIONS OF THE RIVERSIDE PRESS MUTUAL ASSOCIATION—Concluded.

Year.	Death benefits.			Payments for death benefits.	Receipts from dues.			Receipts from other sources.	
	Males.	Females.	Total.		Males.	Females.	Total.	Males.	Females.
1883 (a).....					\$215.20	\$42.00	\$257.20	\$102.00	\$25.00
1884.....	1	1	2	\$100	787.00	183.39	970.39	47.00	
1885.....	1		1	50	770.50	150.15	920.65	11.00	
1886.....	1		1	50	(b)	(b)	979.97	(b)	
1887.....	1	2	3	150	911.20	196.20	1,107.40	(b)	
1888.....	5		5	250	862.55	197.70	1,060.25	22.00	
1889.....	2		2	100	810.00	189.15	999.15	5.00	
1890.....	1	1	2	100	797.00	185.90	982.90	11.00	
1891.....	2		2	100	799.10	194.40	993.50	5.00	
1892.....		1	1	50	771.14	172.25	943.39	15.00	
1893.....	3	2	5	250	759.95	143.75	903.70	24.00	
1894.....	1		1	50	717.55	157.25	874.80	4.50	
1895.....		1	1	50	717.20	146.40	863.60	12.00	
1896.....	2		2	100	755.10	111.95	867.05	8.00	

a Four months only.

b Not reported.

UNION PRINTERS' BENEFIT ASSOCIATION, CINCINNATI, OHIO.

This association was organized December 19, 1886. The membership is confined exclusively to those in good standing in any union within the jurisdiction of the International Typographical Union. The initiation fee is \$1. Dues are payable monthly in advance, and range from 20 to 35 cents per month, but are remitted during disability, if the disability continues one month or longer. The sum of \$7 per week is paid during illness, and fractional parts of weeks pro rata; limited to 13 weeks of continued disability. The board of trustees have the right to employ a physician or nurse, secure admission into hospital, and provide a temporary home during such sickness or disability. Any member found guilty of fraud may be expelled by a majority vote of the association. If the funds of the association become exhausted, and there be no disabled members entitled to benefit, an assessment may be levied on every member in good standing to meet the existing demand. The falling off in membership in 1895 and 1896 is attributable to the introduction of the linotype machines. The records of the association from 1886 to 1890 are not available.

MEMBERSHIP AND OPERATIONS OF THE UNION PRINTERS' BENEFIT ASSOCIATION, CINCINNATI, OHIO.

Year.	Members.	Members drawing sick benefits.	Aggregate days of sick benefits.	Payments for sick benefits.	Receipts from dues.	Receipts from other sources.
1890.....	115	18	483	\$483	\$260.55	\$325.00
1891.....	95	13	241	241	367.75	-----
1892.....	89	11	223	223	270.25	-----
1893.....	97	10	197	197	375.00	25.00
1894.....	93	10	168	168	239.45	8.00
1895.....	55	5	87	87	165.75	5.00
1896.....	43	5	80	80	100.25	15.00

FRANKLIN RELIEF ASSOCIATION, GRAND RAPIDS, MICH.

The membership of this association is restricted to the printing and allied trades. The association was organized in October, 1892.

MEMBERSHIP AND OPERATIONS OF THE FRANKLIN RELIEF ASSOCIATION.

Year ending—	Members.	Members drawing sick benefits.	Aggregate weeks of sick benefits.	Payments for sick benefits.	Receipts from dues, etc.	Pro rata dividend to each member.	Cost of insurance per member.
October 31—							
1893 (a)	27	4	7	\$70	\$359.00	\$11.54	\$1.96
1894	21	2	9	90	299.50	7.44	5.06
1895	22	3	7	70	279.00	9.73	2.77
1896	29	6	16	180	337.00	8.47	4.03
1897	29	2	7	60	862.50	10.25	2.25

a Thirteen months.

PRINTERS' RELIEF ASSOCIATION, MINNEAPOLIS, MINN.

An association was organized January 1, 1886, solely for the journeymen printers employed in the Tribune and Journal offices. In 1896 the association revised its rules and changed its name to the Printers' Relief Association of Minneapolis. Its membership is limited to those belonging to the various subordinate unions chartered by the International Typographical Union in the city of Minneapolis, either journeymen or apprentices. The initiation fee is 50 cents. From 1886 to 1896 the amount paid for benefits was \$1 per day; during the latter year, by amendment to the constitution, the sick benefits were increased to \$10 per week. In order to meet the claims of sick members a per capita tax is levied upon each member equal to the amount required, but no assessment is levied while there remains in the treasury an amount equal to 25 cents per capita. No benefits are paid for a period longer than six months.

MEMBERSHIP AND OPERATIONS OF THE PRINTERS' RELIEF ASSOCIATION.

Year.	Members	Members drawing sick benefits.	Aggregate days of sick benefits.	Payments for sick benefits.	Receipts from dues.	Receipts from initiation fees.
1886	54	5	43	\$12	\$20.25	\$27.00
1887	63	2	65	65	72.20	4.50
1888	68	1	56	56	53.25	1.50
1889	68	15	340	340	237.00	11.50
1890	33	6	69	69	60.50	3.00
1891	62	5	78	78	71.50	5.50
1892	52	5	131	131	122.25	16.00
1893	56	2	16	16	40.50	10.00
1894	72	6	160	160	157.75	5.00
1895	82	5	130	130	141.00	7.00
1896	62	9	118	107	293.00	8.50

RECENT REPORTS OF STATE BUREAUS OF LABOR STATISTICS.

MISSOURI.

Nineteenth Annual Report of the Bureau of Labor Statistics and Inspection of the State of Missouri, for the year ending November 5, 1897.
Arthur Rozelle, Commissioner. 506 pp.

The following subjects are treated in this report: Value of Missouri products, 2 pages; agricultural and county statistics, 211 pages; Missouri lumber interests, 2 pages; Government lands in Missouri, 3 pages; the three principal cities, 4 pages; manufactures, 195 pages; prison manufactures, 1 page; factory inspection, 13 pages; reports from organized wage-workers, 3 pages; waterworks and electric-light and gas plants, 26 pages; wages of steam and street railway employees, 4 pages; mines, 2 pages; fellow-servant legislation, 8 pages; employment agencies, 4 pages; labor laws, 12 pages; recommendations, 2 pages.

MISSOURI PRODUCTS.—Statements are presented giving the aggregate production of farm staples, and the surplus production of other articles marketed during 1896, as shown by the records of the railroad, express, and steamboat companies, with the value of the products computed at prevailing current prices.

AGRICULTURAL AND COUNTY STATISTICS.—In this chapter are shown for each county the crop products, their prices and cost of production, the surplus products shipped, assessed valuation of property, accounts of cities and towns, and other data.

MANUFACTURES.—Returns from 867 manufacturing plants are tabulated according to 46 industries. These establishments were owned by 505 corporations having 3,888 stockholders, and 362 private firms having 872 members. The 867 plants report having invested in grounds, buildings, and machinery, \$58,773,548. Their aggregate manufactures during 1896 were valued at \$88,530,724. The wages paid amounted to \$16,952,657 in 1895, and \$17,267,845 in 1896, showing an increase in the latter year of \$315,188. They report having paid during 1896 for rent, \$842,623; taxes, \$2,250,691; insurance, \$684,659. In 1896 these establishments employed in their mechanical departments an average of 41,283 persons each month, an increase of 2,249 over the average of the preceding year. In addition to the wage-workers there were in 1896 an average of 1,242 foremen, 35 forewomen, 1,597 salesmen, 12 saleswomen, 585 male and 71 female bookkeepers, 924 male and 61 female clerks, 166 male and 197 female stenographers, or a total salaried force of 4,514 males and 376 females.

ORGANIZED WAGE-WORKERS.—Returns from 50 labor organizations were tabulated. The total membership was 6,073. In 41 establishments 950 persons were reported out of work. Of the 50 organizations, 26 reported an increase in wages since organization, 22 no change, and 2 a decrease; 31 reported a reduction of hours, and 19 no change since organization. Of 45 organizations, 6 reported that members worked twelve hours per day; 16, ten hours; 4, nine hours; 17, eight hours; and 2, six and one-half hours. Forty-one organizations reported that they had rendered financial aid to their members.

STRIKES.—Very few strikes of any importance occurred during the year. A number of union strikes occurred, in which from 2 to 20 persons were involved and which lasted from two days to two weeks, but no statistics were secured regarding these cases. The following table shows the principal facts regarding five strikes for which data were obtained:

STRIKES IN 1897.

Union ordering the strike.	Cause or object.	Persons involved.	Duration.	Result.
Sprinkler Fitters' Union	For reduction of hours	6	20 days ...	Succeeded.
Cigar Makers' International Union No. 44.	Against reduction of wages and introduction of steam system.	6	10½ months	Do.
United Garment Workers of America, L. U. No. 105.	Against reduction of wages	650	(a)	Do.
Building Trades Council	Against employment of non-union labor.	75	6 days	Do.
Flour and Cereal Mill Men's Union No. 6642.	For restoration of wages	22	(b)	(b)

a Not reported.

b Strike not ended at time of report.

All the strikes tabulated above occurred in St. Louis.

WATERWORKS AND ELECTRIC-LIGHT AND GAS PLANTS.—This work was undertaken in pursuance of the decision of the National Association of Officials of Bureaus of Labor Statistics in the United States to recommend an investigation of the municipal, corporate, and private ownership of waterworks and electric-light and gas plants by the various labor bureaus. In this case the investigation was conducted by correspondence. The tables presented in the report show in detail for each plant the kind of service and ownership, date of establishment, cost, assessed and true value, capacity of plant, cost of product, selling price of product, salaries and wages, and other data.

Returns from 90 operators of electric-light, gas, and water plants were tabulated. Fifty-eight were electric plants, of which 10 were owned by municipalities, 14 by private parties, and 34 by corporations. Nine of the 58 plants embraced waterworks, and 5 furnished gas also. Fifteen gas plants were reported, of which 1 was owned by a municipality, 3 were owned by private parties, and 11 by corporations. One of these also embraced waterworks and 5 were operated in connection with electric plants. Thirty-two waterworks plants were reported, of which 9 were owned by municipalities, 4 by private parties, and 19

by corporations. Of the 32 plants, 9 were open with electric-light plants, and 1 was a gas plant. The cost of the 90 plants was \$8,232,890; the true value (income on 5 per cent basis) was \$11,538,680, or above than their cost. The assessed valuation, which was for 67 plants, was \$1,651,710. The actual cost of the 67 plants was \$7,762,722, and the true value \$10,059,038. The average of incandescent light per ampere, by meter, was 1 cent for corporations, 0.96 cent in the case of municipalities in the case of ownership by private parties. The cost of gas, per 1,000 feet, was \$2.05 for lighting, \$1.39 for power in the case of corporations; \$1 in the case of municipalities, and \$2.15 in the case of ownership by private parties. The average selling price of water was not shown.

STEAM AND STREET RAILWAY EMPLOYEES.—Showing, by occupations, the number of officials and employees, total yearly wage payments, and average daily wages for each of the 14 principal railway companies in the State. A tabulation of daily wages of employees also given. Following are recapitulations of the steam and street railway employees:

AVERAGE NUMBER, TIME EMPLOYED, AND EARNINGS OF EMPLOYEES OF STEAM AND STREET RAILROADS, BY OCCUPATIONS.

Occupations.	
General officers	
General office clerks	
Station agents	
Other stationmen	
Engineers	
Firemen	
Conductors	
Other trainmen	
Machinists	
Carpenters	
Other shopmen	
Section foremen	
Other trackmen	
Switchmen, flagmen, and watchmen	
Telegraph operators and dispatchers	
Employees account floating equipment	
All other employees and laborers	

DAILY WAGES OF EMPLOYEES OF 9 ELECTRIC STREET RAILROADS, BY OCCUPATIONS.

Occupations.	Wages per day.	Occupations.
Engineers	\$3.31	Painters
Foremen	2.80	Trackmen
Motormen	2.18	Flagmen
Gripmen	2.18	Track oilers
Conductors	2.18	Laborers
Machinists	2.19	Firemen
Woodworkers	2.31	Coal passers
Blacksmiths	2.25	

a Per hour.

MINES.—This chapter contains statements of inspectors of coal, lead, and zinc mines regarding the progress of these branches of the mining industry during the fiscal year ending June 30, 1897. Following is a summary of the data presented:

STATISTICS OF COAL AND LEAD AND ZINC MINES.

Items.	Coal.	Lead and zinc.	Total.
Mines or shafts in operation.....	418	547	965
Tons produced.....	2,420,388	160,552	.....
Amount received for product.....	\$2,684,757	\$3,569,070	\$6,253,827
Miners employed (average).....	5,807	3,687	9,494
Other employees (average).....	1,250	2,677	3,927
Fatal accidents.....	8	16	24
Accidents not fatal.....	23	5	28

MONTANA.

Fifth Annual Report of the Bureau of Agriculture, Labor, and Industry of Montana, for the year ending November 30, 1897. J. H. Calderhead, Commissioner. x, 188 pp.

Following are the contents of this report: Introduction, 31 pages; statistics of counties, calendar year 1896, 13 pages; assessed valuation and taxation, 9 pages; statistics of railway and street-car lines, 15 pages; prices of farm products, proportion imported, and cost of staple groceries, 17 pages; directory of labor organizations and rates of pay for certain classes of employment, 11 pages; live stock and wool, 1897 crop conditions in the United States, and bounties paid for the destruction of wild animals, 24 pages; business transacted at the United States land office and area of surveyed and unsurveyed lands in Montana, 6 pages; manufacturers' returns and commercial failures, 11 pages; mineral output for Montana 1896, coinage in the United States, imports and exports of gold and silver, etc., 20 pages; the labor exchange and educational statistics, 13 pages.

INTRODUCTION.—This part of the report consists of information relating to the free-employment office, the National Children's Home Society, and other matters of local interest. The free public-employment office was abolished on March 6, 1897.

RAILROAD WAGES AND TRAFFIC.—Tables are presented showing the number, occupations, average wages, etc., of employees of railroad and street-car companies receiving less than \$2,000 per annum, and the character and amount of freight traffic, as reported by each company in Montana, for the years ending June 30, 1896, and June 30, 1897, respectively.

LABOR ORGANIZATIONS AND WAGE RATES.—This part of the report consists of a directory of labor organizations in the State, showing for each the locality, date of organization, date of election of officers, and character of benefit features where they exist. Returns were made by 90 organizations.

Comparative wage statistics are shown for a series of years in the flouring, sawmill, brewing, and foundry industries; and for 1897 only, in the street railway, brick, cigar, mining, smelting, and agricultural industries.

MANUFACTURERS' RETURNS.—Reports received from establishments engaged in the printing and publishing, coal-mining, sawmill, brick and sewer pipe, cigar, and brewing industries are presented in tables showing the number of employees, hours of labor, weeks employed during the year, frequency of wage payments, etc.

NORTH DAKOTA.

Fourth Biennial Report of the Commissioner of Agriculture and Labor of North Dakota, for the two years ending June 30, 1896. A. H. Laughlin, Commissioner. 147 pp.

This report is mainly devoted to statistics of agriculture, there being very little information regarding labor. The principal topics treated are: The dairy industry, 6 pages; immigration, 3 pages; agricultural statistics, 43 pages; county finances, 6 pages; vital statistics, 2 pages; flouring mills, 2 pages; coal mines, 2 pages; labor statistics, 3 pages; the sugar-beet industry, 8 pages; soil culture, 6 pages; valuation of railroad property, 2 pages; live stock, 3 pages; abstract of assessment of real and personal property, 40 pages. There are also brief chapters on the State historical commission, wool markets, sire certificates, Russian cactus, altitudes, areas and population, and vote of the State for governor.

THE DAIRY INDUSTRY.—In 1895, 43 dairy plants were reported in the State. These produced 397,284 pounds of cheese and 393,491 pounds of butter. Eleven additional plants were constructed during the year 1896. The quantity of cheese made in private families aggregated 100,991 pounds in 1894 and 159,261 pounds in 1895, and of butter 4,428,157 pounds in 1894 and 4,869,609 pounds in 1895. The milk sold to creameries and cheese factories was valued at \$30,420 in 1894 and \$50,311 in 1895, and to others \$47,855 in 1894 and \$49,650 in 1895.

LABOR STATISTICS.—Under this head is given a table showing by counties for 1895 the number of males and females employed on farms and in cities and towns, and the wages paid the same.

RAILROAD PROPERTY.—Tables are given showing for the years 1895 and 1896 the mileage and the assessed value of the property of each railroad in the State. In 1895 the total mileage for the State was 2,507, and the assessed value of the property \$6,727,524.50. In 1896 the total mileage was 2,778.51, and the assessed value of the property, \$7,892,030.50.

RHODE ISLAND.

Tenth Annual Report of the Commissioner of Industrial Statistics, made to the General Assembly at its January session, 1898. Henry E. Tiepke, Commissioner. viii, 554 pp.

This report is devoted to two subjects, namely: Occupations of the people, 495 pages, and statistics of textile manufactures, 53 pages.

OCCUPATIONS OF THE PEOPLE.—This portion of the report is divided into two parts, one relating to occupations of males and the other to occupations of females. Detailed tables show, by localities and industries, the number of males and the number of females employed each month from June, 1894, to May, 1895, inclusive, at their regular and other than their regular occupations; the number unemployed each month, and the number whose occupations were known, but whose periods of employment were only partially reported. This information was obtained from the population cards gathered by the enumerators of the State census of 1895.

The State census of 1895 showed a population of 384,758 persons, of which number 187,590 were males and 197,168 were females. The number of persons credited to the productive class, whether employed or unemployed, amounted to 143,813, or 37.4 per cent of the total population.

Following are summaries of the tables of employment for each month from June, 1894, to May, 1895, inclusive:

PERSONS EMPLOYED AND UNEMPLOYED FOR EACH MONTH FROM JUNE, 1894, TO MAY, 1895, INCLUSIVE, BY SEX.

Year and month.	Males.				Females.				Total.			
	Regular occupation.	Other than regular occupation.	Unemployed.	Employment unknown.	Regular occupation.	Other than regular occupation.	Unemployed.	Employment unknown.	Regular occupation.	Other than regular occupation.	Unemployed.	Employment unknown.
1894.												
June . . .	91,374	2,928	4,629	3,070	37,285	903	1,801	1,823	128,659	3,831	6,430	4,893
July . . .	90,586	2,868	5,489	3,058	35,858	856	3,282	1,816	126,444	3,724	8,771	4,874
Aug . . .	90,339	3,041	5,592	3,029	35,718	946	3,357	1,791	126,057	3,987	8,949	4,820
Sept . . .	91,058	2,875	5,063	3,003	37,395	778	1,891	1,748	128,453	3,653	6,954	4,752
Oct . . .	90,549	3,270	5,306	2,876	37,473	886	1,761	1,692	128,022	4,156	7,067	4,568
Nov . . .	89,751	3,355	6,081	2,814	37,774	777	1,614	1,647	127,525	4,132	7,695	4,461
Dec . . .	87,550	3,695	7,968	2,779	37,723	849	1,660	1,580	125,282	4,544	9,628	4,369
1895.												
Jan . . .	86,990	3,576	8,026	2,809	37,733	759	1,690	1,630	124,723	4,335	10,316	4,439
Feb . . .	87,343	3,350	8,573	2,735	37,612	702	1,908	1,590	124,955	4,052	10,491	4,325
Mar . . .	90,337	2,789	6,439	2,430	38,122	598	1,633	1,459	128,459	3,387	8,072	3,895
Apr . . .	92,557	2,118	5,163	2,163	37,810	461	2,207	1,334	130,367	2,579	7,370	3,497
May . . .	92,945	1,793	5,302	1,961	37,473	375	2,702	1,262	130,418	2,168	8,604	3,223

PER CENT OF TOTAL PERSONS EMPLOYED AND UNEMPLOYED FOR EACH MONTH FROM JUNE, 1894, TO MAY, 1895, INCLUSIVE.

Year and month.	Regular occupation.	Other than regular occupation.	Unemployed.	Employment unknown.	Year and month.	Regular occupation.	Other than regular occupation.	Unemployed.
1894.					1895.			
June.....	89.4	2.7	4.5	3.4	January....	86.7	3.0	7.3
July.....	87.9	2.6	6.1	3.4	February..	86.9	2.8	7.3
August.....	87.7	2.8	6.2	3.3	March.....	89.3	2.4	5.6
September..	89.3	2.6	4.8	3.3	April.....	90.7	1.8	6.1
October.....	89.0	2.9	4.9	3.2	May.....	90.7	1.5	5.6
November...	88.7	2.9	5.3	3.1				
December...	87.1	3.2	6.7	3.0				

It appears that in the month of June, 1894, there was a smaller number of persons out of employment than in any other month in the census year, namely, 6,430, or 4.5 per cent of the total number of persons considered. The greatest number of unemployed was in January, 1895, namely, 10,481, or 7.3 per cent. The average number of persons employed each month at their regular occupations was 12,500, or 88.6 per cent, and at other than their regular occupations, 3,700, or 2.6 per cent. An average of 8,311, or 5.8 per cent, were out of employment. There were, on an average, 4,342, or 3 per cent, whose occupation was known, but whose period of employment was unknown.

STATISTICS OF TEXTILE MANUFACTURES.—This chapter contains a comprehensive presentation of the textile industry of the United States. Detailed comparative tables are given which are based upon the census of 1890 and 1896 by 135 firms engaged in textile manufactures. Of these 66 were engaged in the manufacture of cotton goods; 8 in hosiery and knit goods; 11 in bleaching, dyeing, and printing in silk goods, and 47 in woolen goods. Following is a summary of the figures presented:

STATISTICS OF 135 TEXTILE MANUFACTURING ESTABLISHMENTS, 1890 AND 1896.

Items.	1895.	1896.	Increase
			Amount.
Firms.....	58	59	1
Corporations.....	77	76	a 1
Partners and stockholders.....	1,249	1,273	24
Capital invested.....	\$46,356,609	\$46,657,134	\$300,525
Cost of material used.....	\$25,241,885	\$22,557,449	a \$2,684,436
Value of goods made.....	\$45,568,693	\$38,355,918	a \$7,212,775
Aggregate wages paid.....	\$10,836,327	\$9,406,017	a \$1,430,310
Average days in operation.....	290.81	262.99	a \$27.82
Employees:			
Average number.....	31,874	29,985	a 1,889
Greatest number.....	33,400	32,954	a 446
Smallest number.....	28,119	24,640	a 3,479
Average yearly earnings.....	\$339.97	\$313.69	a \$26.28

a Decrease.

TENNESSEE.

Seventh Annual Report of the Bureau of Labor, Statistics, and Mines of the State of Tennessee, for the year ending December 31, 1897. A. D. Hargis, Commissioner. xii, 270 pp.

The contents of this report may be grouped as follows: Statistics of mines and mine inspection, 228 pages; the phosphate industry, 13 pages; the marble industry, 5 pages; the petroleum industry, 6 pages; labor conditions, 10 pages; chronology of labor bureaus, 2 pages.

STATISTICS OF MINES AND MINE INSPECTION.—This report, like that for the preceding year, is devoted almost exclusively to the mining industry. The statistics relate to the production of coal, coke, iron ore, pig iron, zinc, lead, and copper. The amount and value of mine products are shown for each branch of the industry, and in some instances comparative figures are given for Tennessee and other States and for present and past periods. In the case of coal mining the number of employees and days in operation are also shown. Following is a summary of the most important figures presented for 1897:

Total number of coal mines	72
Coal mines in operation.....	59
Coal produced, tons.....	2, 880, 994
Value of coal produced	\$2, 316, 239
Average value per ton at mine	\$0.80
Average employees in coal mines.....	7, 059
Average days worked	197
Coke produced, tons	368, 585
Value of coke produced.....	\$670, 824
Iron ore produced, tons.....	582, 695
Pig iron produced, tons.....	272, 130
Copper ore produced, tons	74, 000

Forty-one casualties were reported in the mines, 13 of which were fatal. Of the fatal accidents, 10 occurred in coal mines, 2 in an iron mine, and 1 in a copper mine.

THE PHOSPHATE INDUSTRY.—A review is given of the condition and progress of this industry during the year, together with a list of the principal phosphate mines, showing the location of the deposits, and tables showing the production for a series of years. The production of phosphate in 1897 was 121,229 tons.

THE MARBLE INDUSTRY.—The production of Tennessee marble in 1897 was about 235,000 cubic feet, the total production, including the finished product, being valued at about \$500,000.

PETROLEUM.—Since 1894, 48 petroleum wells have been drilled, 16 of which were abandoned, while but 6 were considered producers.

LABOR CONDITIONS.—This part of the report contains a brief account of the strikes in mines during 1897 and a directory of labor unions in Tennessee. Fifteen strikes were reported, 14 of which involved a total of about 1,945 persons.

RECENT FOREIGN STATISTICAL PUBLICATIONS.

FRANCE.

*Statistique des Grèves et des Recours à la Conciliation et à l'Arbitrage
Survenus Pendant l'Année 1897.* Office du Travail, Ministère du Commerce, de l'Industrie, des Postes et des Télégraphes. xv, 304 pp.

This report is one of a series of annual reports on strikes published by the French bureau of labor. The information is for the year 1897 and is presented in the same form as in preceding reports, the present digest following as nearly as possible the plan of former notices in *Bulletins* Nos. 1, 5, and 13.

There were 356 strikes reported in 1897, one of which, however, was of the nature of a lockout. These strikes affected 2,568 establishments, were participated in by 68,875 strikers, and resulted in a loss of 780,944 working days, including 60,433 days lost by 5,999 persons who were not strikers but were thrown out of employment as a result of strikes. The average time lost per strike was 10½ days, the smallest average reported in five years.

In 1896 there were reported 476 strikes and 49,851 strikers, involving 2,178 establishments, and causing a loss of 644,168 working days, or 13 days per striker. While in 1897 there was a smaller number of strikes, the number of strikers and the number of working days lost were considerably greater than in 1896. The decrease in the number of strikes is due to the large number of strikes reported in the textile industries in 1896, when there were 197, as compared with 82 in 1897.

As regards the results in 1897, 68 strikes in 237 establishments, involving 19,838 strikers, were successful; 122 strikes in 1,564 establishments involving 28,767 strikers, were partly successful, and 166 strikes in 1,005 establishments, involving 20,270 strikers, failed. While the number of successful strikes in 1897 was smaller than in 1896, the number of strikers in strikes which succeeded was much greater.

The following table shows the per cent of strikes of total strikes that succeeded, the per cent of strikers of total strikers that succeeded, succeeded partly, and failed, as compared with similar data for 1896:

RESULTS OF STRIKES, 1896 AND 1897.

Result of strikes.	Strikes.		Strikers.	
	1896.	1897.	1896.	1897.
Succeeded	24.58	19.10	23.23	34.21
Succeeded partly	25.63	34.27	34.21	42.56
Failed	49.79	46.63	42.56	100.00
Total	100.00	100.00	100.00	

It will be seen that the proportion of strikes which failed as well as the proportion of strikers involved in such strikes was smaller in 1897 than in 1896. Both the proportion of strikes compromised and that of strikers participating in the same were considerably greater in 1897 than in the preceding year. The proportion of successful strikes was smaller, but that of strikers involved was greater in 1897 than in 1896. On the whole, therefore, much more success was achieved by strikers in 1897 than in 1896.

Of the 356 strikes reported, 276, or 78 per cent, involved but 1 establishment each. Of the 80 remaining strikes, 22 involved from 2 to 5 establishments, 20 from 6 to 10, 14 from 11 to 25, 6 from 26 to 50, 4 from 51 to 100, and 4 strikes involved over 100 establishments each. In the case of 10 strikes the number of establishments was not reported.

The two following tables show the number of strikes, strikers, and establishments involved, according to the results of the strikes, as well as the number of days' work lost and the proportion that the number of strikers is to the total number of working people, according to 17 groups of industries:

STRIKES IN 1897, BY INDUSTRIES.

Industries.	Succeeded.		Succeeded partly.		Failed.		Total.	
	Strikes.	Estab-lish-ments.	Strikes.	Estab-lish-ments.	Strikes.	Estab-lish-ments.	Strikes.	Estab-lish-ments.
Agriculture, forestry, and fish-eries	5	1	5	53	5	6	15	62
Mining	1	1	7	7	8	8	16	16
Quarrying	1	1	2	2	4	4	7	7
Food products			4	517	4	27	8	544
Chemical industries			2	2	1	1	3	3
Printing	2	2	6	14	10	10	18	26
Hides and leather	3	3	6	6	10	10	19	19
Textiles proper	12	90	28	38	42	43	82	171
Clothing and cleaning	8	3			2	2	6	5
Woodworking	5	23	8	26	8	8	21	57
Building trades (woodwork)...	4	17	10	164	3	3	17	184
Metal refining			3	3	3	3	6	6
Metallic goods	11	11	10	44	33	39	54	114
Precious-metal work					1	1	1	1
Stone cutting and polishing, glass and pottery work			3	19	6	6	9	25
Building trades (stone, earth-ware, glass, etc.)	15	72	22	653	22	372	59	1,297
Transportation and handling	6	13	6	14	4	4	16	31
Total	68	237	122	1,564	166	767	256	2,568

STRIKERS AND DAYS OF WORK LOST IN 1897, BY INDUSTRIES.

Industries.	Strikers in—			Total strikers.	Strikers per 1,000 work people. (a)	Days lost per 1,000 work people. (b)
	Successful strikes.	Partly successful strikes.	Strikes which failed.			
Agriculture, forestry, and fisheries	14,580	2,415	4,087	21,082	13.19	
Mining	1,500	1,781	3,424	6,655	47.22	1
Quarrying	164	600	2,367	3,131	(c)	
Food products		1,573	122	1,695	13.29	
Chemical industries		474	24	498	9.25	
Printing	29	382	217	628	6.49	
Hides and leather	287	482	180	949	7.62	
Textiles proper	773	3,801	4,100	8,674	12.01	
Clothing and cleaning	95		45	140	.19	
Woodworking	162	1,842	136	2,140	9.08	
Building trades (woodwork)	150	1,622	43	1,815	(d)	
Metal refining		276	272	548	5.74	
Metallic goods	928	1,339	1,860	4,127	13.61	
Precious-metal work			7	7	.09	
Stone cutting and polishing, glass and pottery work		268	229	497	4.77	
Building trades (stone, earthenware, glass, etc.)	631	11,389	3,035	15,055	34.96	
Transportation and handling	539	573	122	1,234	5.22	
Total	19,838	28,767	20,270	68,875	13.60	

a Census of 1891.

b Includes quarrying.

c Included in mining.

d Included in building trades (stone, earthenware, glass, etc.).

e Includes building trades (woodwork).

f Relates to all industrial workmen of France.

Out of a total of 356 strikes, the largest number, 82, or 23 per cent occurred in the textile industry. If, however, the extent of the strike is measured by the number of persons involved, agriculture, forestry, and fisheries far exceeded any other group of industries. Of a total of 68,875 persons engaged in strikes, 21,082, or 31 per cent, were employed in agriculture, forestry, and fisheries. Next in importance were building trades, showing 16,870, or 24 per cent of the total persons involved; the textile industry, with 8,674 strikers, and the mining industry, with 6,655.

Considering the number of persons actually engaged in the various industries, according to census returns, it was found that the relative prevalence of strikes was greatest in the mining and quarrying industries, 47.22 out of every 1,000 employees having taken part in disputes during the year. The building trades came next, with 34.96 strikers per 1,000 employees.

In the two following tables the strike data are presented by causes:

STRIKES IN 1897, BY CAUSES.

[A considerable number of strikes were due to two or three causes, and the facts in such cases have been tabulated under each cause. Hence the totals for this table necessarily would not agree with those for the preceding tables.]

Cause or object.	Succeeded.		Succeeded partly.		Failed.		Total.	
	Strikes.	Estab-lish-ments.	Strikes.	Estab-lish-ments.	Strikes.	Estab-lish-ments.	Strikes.	Estab-lish-ments.
For increase of wages	34	208	82	1,101	68	139	184	1,448
Against reduction of wages	10	15	11	19	18	28	39	62
For reduction of hours of labor with present or increased wages	9	154	9	466	9	65	27	685
Relating to time and method of payment of wages, etc.	13	477	4	30	16	18	33	525
For or against modification of conditions of work	16	43	1	3	16	16	33	62
Against piecework	3	4	1	6	6	22	10	33
For or against modification of shop rules	3	3	5	5	4	4	12	13
For abolition or reduction of fines	1	1			8	8	9	9
Against discharge of workmen, foremen, or directors, or for their reinstatement.	6	374	3	3	22	26	31	403
For discharge of workmen, foremen, or directors	5	5	6	6	32	41	43	52
Against employment of women					3	3	3	3
For discharge of apprentices or limitation in number	1	1	1	1	1	6	3	8
Relating to deduction from wages for the support of insurance and aid funds	4	67	4	10	3	9	11	86
Other	1	1	2	7	2	523	5	531

STRIKERS AND DAYS OF WORK LOST IN 1897, BY CAUSES.

[A considerable number of strikes were due to two or three causes, and the facts in such cases have been tabulated under each cause. Hence the totals for this table necessarily would not agree with those for the preceding tables.]

Cause or object.	Strikers in—			Total strikers.	Days of work lost.
	Successful strikes.	Partly successful strikes.	Strikes which failed.		
For increase of wages	16,442	21,392	10,061	47,895	562,178
Against reduction of wages	401	1,882	429	2,712	56,446
For reduction of hours of labor with present or increased wages	2,450	2,070	1,194	5,714	68,048
Relating to time and method of payment of wages, etc.	10,232	423	1,233	11,888	302,000
For or against modification of conditions of work	2,915	846	1,032	4,793	60,088
Against piecework	81	111	831	523	5,915
For or against modification of shop rules	456	791	183	1,430	2,285
For abolition or reduction of fines	205		1,430	1,635	3,850
Against discharge of workmen, foremen, or directors, or for their reinstatement.	1,415	1,168	7,702	10,285	178,757
For discharge of workmen, foremen, or directors	1,841	378	4,960	7,179	85,663
Against employment of women			48	48	687
For discharge of apprentices or limitation in number	23	35	111	169	1,076
Relating to deduction from wages for the support of insurance and aid funds	453	1,320	46	1,819	23,582
Other	8	700	2,105	2,813	12,243

Strikes for higher wages or against a reduction of wages, either alone or in connection with some other cause, were more prevalent and involved a larger number of strikers than strikes for any other reasons.

Next in importance, both with regard to the number of strikes and persons involved, were those relating to the retention or discharge of certain workmen, foremen, or superintendents.

In the next two tables are shown the results of strikes according to the duration of the same, and according to the number of strikers involved:

STRIKES AND STRIKERS IN 1897, BY DURATION OF STRIKES.

Days of duration.	Strikes.				Strikers.			
	Succeeded.	Succeeded partly.	Failed.	Total.	Succeeded.	Succeeded partly.	Failed.	Total.
7 or under	57	66	111	234	18,995	8,901	9,898	37,794
8 to 15	6	31	27	64	392	7,233	3,344	10,969
16 to 30	2	16	14	32	156	2,219	803	3,178
31 to 100	2	8	14	24	47	9,568	6,235	15,802
101 or over	1	1	.....	2	250	846	.....	1,096
Total	68	122	166	356	19,838	28,767	20,270	68,875

DURATION OF STRIKES IN 1897, BY NUMBER OF STRIKERS INVOLVED.

Strikers involved.	Strikes.				Days of duration.			
	Succeeded.	Succeeded partly.	Failed.	Total.	1 to 7.	8 to 15.	16 to 30.	31 to 100.
25 or under	26	17	86	129	90	24	8	7
26 to 50	16	26	38	80	52	14	7	7
51 to 100	8	20	19	47	33	7	6	1
101 to 200	10	30	9	49	30	9	9	1
201 to 500	3	21	7	31	20	6	1	2
501 to 1,000	1	4	3	8	4	.....	1	2
1,001 or over	4	4	4	12	5	4	.....	3
Total	68	122	166	356	234	64	32	24

It will be seen from the above tables that the strikes were mostly of short duration, 234 of the 356 strikes lasting one week or less. Only 26 strikes lasted longer than thirty days. Over one-half of the strikes involved 50 men or less each. Of the larger strikes, involving over 1,000 strikers, 4 succeeded, 4 succeeded partly, and 4 failed; 5 lasted from 1 to 7 days, 4 lasted from 8 to 15 days, and 3 lasted from 31 to 100 days.

The law of December 27, 1892, regarding conciliation and arbitration in trade disputes, was applied in 88 cases during the year, in 3 cases before work was suspended. This was 24.72 per cent of all disputes, as against 21.85 per cent in 1896, and 20.74 per cent in 1895. In 46 cases the initiative in demanding the application of the law was taken by the workingmen, 4 times by the employers, once by the employers and employees jointly, and 37 times the justice of the peace intervened as provided in the law.

In 9 cases work was resumed before a committee of conciliation was constituted. In 3 of these cases the workingmen abandoned their demands, in 3 cases they obtained a compromise, and in 3 cases they were successful. Of the other 79 cases, the demand for conciliation

was refused in 25 cases, of which 20 were by the employers, 2 by the working people, and 3 by both parties jointly. As a result of these refusals the workmen renounced their demands in one case and in another were replaced by others. In the 23 remaining cases strikes were declared, of which 2 succeeded, 10 succeeded partly, and 11 failed.

In 54 cases the demand for conciliation or arbitration was acceded to, and 54 committees of conciliation were constituted. In 25 cases the disputes were settled directly by these committees, and in 5 cases they were settled by arbitration. In 24 cases the attempts to settle by conciliation or arbitration failed and the strikes continued. Of the disputes settled by conciliation and arbitration, 3 resulted in a compliance with the demands, 23 in a compromise, and 4 in a refusal of the demands. Of the 24 disputes which continued after the fruitless attempts at conciliation or arbitration, 3 succeeded, 18 succeeded partly, and 3 failed.

ONTARIO.

Fifteenth Annual Report of the Bureau of Industries for the Province of Ontario, 1896. C. C. James, Secretary. viii, 159 pp. (Published by the Ontario Department of Agriculture.)

This report relates mainly to statistics of agriculture. It comprises the following subjects: Weather and crops, 70 pages; live stock, the dairy, and the apiary, 46 pages; values, rents, and farm wages, 39 pages; chattel mortgages, 3 pages.

VALUES, RENTS, AND FARM WAGES.—The total value of farm property in 1896 is given at \$910,291,623, of which \$557,468,270 represents lands, \$205,235,429 buildings, \$50,730,358 implements, and \$96,857,566 live stock. There has been a steady decline in the value of farm property since 1892.

Rates of wages paid to farm laborers have generally declined during the year. Farm hands, with board, received in 1896 an average of \$1.44, or \$6 less than in 1895. Farm hands, without board, received an average of \$2.43 in 1896, or \$3 less than the preceding year. The average monthly rate of wages during the working season was \$14.57, with board, in 1896, or \$0.81 less than in 1895. The average monthly rate without board was \$24.11 in 1896, or \$1.34 less than in 1895. The monthly wages with board received by domestic servants rose from \$6.07 in 1895 to \$6.11 in 1896.

CHATTEL MORTGAGES.—During the year ending December 31, 1896, there were on record 21,789 chattel mortgages, representing \$13,561,716. This was a decrease in number, but a considerable increase in amount when compared with the preceding year. Of the chattel mortgages in 1896, 11,844, representing \$3,877,998, were registered against farmers.

DECISIONS OF COURTS AFFECTING LABOR.

[This subject, begun in Bulletin No. 2, has been continued in successive issues. All material parts of the decisions are reproduced in the words of the courts, indicated when short by quotation marks and when long by being printed solid. In order to save space, immaterial matter, needed simply by way of explanation, is given in the words of the editorial reviser.]

DECISIONS UNDER STATUTORY LAW.

CONSTITUTIONALITY OF STATUTE—MARKING OF CONVICT-MADE GOODS—*People v. Hawkins*.—A copy of the decision in this case was furnished the Department by the clerk of the court of appeals of New York, the case having come before said court on appeal by the State from a decision of a lower court sustaining a demurrer, made by the defendant, Samuel K. Hawkins, to the indictment.

The decision was rendered October 11, 1898, and sustained the decision of the lower court, Chief Justice Parker and Justice Bartlett dissenting. The opinion of the court, delivered by Justice O'Brien, contains a full statement of the facts in the case and the following is quoted therefrom:

The defendant was indicted for a misdemeanor, the charge being that he violated chapter 931 of the Laws of 1896 relating to the labeling and marking of convict-made goods or articles. The indictment alleges that the defendant on the 5th day of November, 1896, had in his possession and offering for sale, unlawfully and with criminal intent, a certain scrub brush of the form, style and material commonly used in scrub brushes, but made and manufactured, as the defendant well knew, by the labor of convicts lawfully sentenced to and confined in a prison at Cleveland, Ohio. It then charges that this article was brought from that institution into this State and was in the defendant's possession for the purpose of sale, without having upon it in any manner the words "Convict made" or any words indicating in any manner that it was manufactured by convict labor.

The defendant demurred to the indictment, upon the ground that the facts stated did not constitute a crime, and the courts below have sustained the demurrer for the reason that the statute was in conflict with the Constitution and, therefore, void. The statute went into effect by its terms on November 1, 1896, and the several sections material to the questions in this case are as follows:

"SECTION 1. All goods, wares and merchandise made by convict labor in any penitentiary, prison, reformatory or other establishment in which convict labor is employed shall, before being sold, or exposed for sale, be branded, labeled or marked as hereinafter provided, and shall not be exposed for sale in any place within this State without such brand, label or mark.

"§ 2. The brand, label or mark hereby required shall contain at the head or top thereof the words 'convict made,' followed by the year and name of the penitentiary, prison, reformatory or other establishment

in which it was made, in plain English lettering, of the style and size known as great primer Roman condensed capitals. The brand or mark shall in all cases, where the nature of an article will permit, be placed upon the same, and only where such branding or marking is impossible shall a label be used, and where a label is used it shall be in the form of a paper tag, which shall be attached by wire to each article, where the nature of the article will permit, and placed securely upon the box, crate or other covering in which such goods, wares or merchandise may be packed, shipped or exposed for sale. Said brand, mark or label shall be placed upon the outside of and upon the most conspicuous part of the finished article and its box, crate or covering.

"§ 5. Section three hundred and eighty-four b of the Penal Code is hereby amended so as to read as follows: Section 384b. Penalty for dealing in convict-made goods without labeling.—A person having in his possession for the purpose of sale, or offering for sale, any convict-made goods, wares or merchandise hereafter manufactured and sold, or exposed for sale, in this State without the brand, mark or label required by law, or removes or defaces such brand, mark or label, is guilty of a misdemeanor, punishable by a fine not exceeding ten hundred dollars nor less than one hundred dollars, or imprisonment for a term not exceeding one year nor less than ten days, or both."

The act charged against the defendant, and which is admitted by the demurrer, is declared to be a crime by this statute, and the only question that we need consider, is whether the legislature had any power under the Constitution to enact such a law. The law is similar, in all respects, to the law of 1894 (chap. 698, Laws of 1894), except that the latter statute was aimed at prison-made goods of other States, while the present statute applies to all prison-made goods, whether of this or other States. The act of 1894 was held to be unconstitutional and void. (*People v. Hawkins*, 85 Hun., 43.) The present act makes it a criminal offense to expose for sale prison-made goods of this State as well as of other States. It seems to have been assumed that the feature of the former act, which discriminated against the prison-made goods of other States, was the only objection to this class of legislation. But the broader scope of the present law removes no objections that existed to the former. On the contrary, it multiplies and intensifies them.

It is important at the outset to ascertain, if we can, the legislative purpose and intent that led to the enactment of this law. The learned district attorney in his brief in the court below has, I think, stated it quite fairly and accurately in these words:

"The statute in question is an attempt to solve a great public and economic problem. It has a bearing, directly or indirectly, upon wages paid to workmen in certain lines of industry. * * * It involves the welfare and prosperity of the laboring classes who comprise a great portion of our population. * * * It is against sound public policy to compel workmen, who have to support their families by their daily earnings, to compete with the unpaid labor of convicts in penal institutions. The framers of the State and Federal Constitutions never intended to create and foster such competition. The people have a right to demand protection from the legislature in this respect, and it is within the police power of the State to require the mark, brand or label of goods made in penal institutions."

We may assume, therefore, that the purpose of the law was to promote the welfare of the laboring classes by suppressing, in some measure, the sale of prison-made goods. Waiving for the present the

question whether the means employed can ever in the nature of things accomplish the end in view, it is quite clear that unless this statute in some degree affects the value of certain articles of merchandise by restricting the demand or imposing conditions upon the right to deal in them as property, in order to exclude them from the market, it is a mere *brutum fulmen*. The scrubbing brush in question was beyond all doubt an article of property in which the defendant could lawfully deal. He is forbidden, however, by this statute, under all the penalties of the criminal law, from buying or selling or having it in his possession, except upon the condition that he shall attach to it a badge of inferiority which diminishes the value and impairs its selling qualities. It is not claimed that there is any difference in the quality of this scrubbing brush when compared with one of the same grade or character made outside the prisons. There is no pretense that the act was passed to suppress any fraudulent practice or that any such practice existed with respect to such goods. The validity of the law must depend entirely upon the exercise of the police power to enhance the price of labor by suppressing, through the instrumentality of the criminal law, the sale of the products of prison labor.

The citizen can not be deprived of his property without due process of law. The principle embodied in this constitutional guaranty is not limited to the physical taking of property. Any law which annihilates its value, restricts its use, or takes away any of its essential attributes, comes within the purview of this limitation upon legislative power. The validity of all such laws is to be tested by the purpose of their enactment and the practical effect and operation that they may have upon property. A law which interferes with property by depriving the owner of the profitable and free use of it, or hampers him in the application of it for the purposes of trade or commerce, or imposes conditions upon the right to hold or sell it, may seriously impair its value, against which the Constitution is a protection. The fact that legislation hostile to the rights of property assumes the guise of a health law or a labor law will not save it from judicial scrutiny, since the courts can not permit that to be done by indirection which can not be done directly.

The guaranty against depriving the citizen of his liberty comprehends much more than the exemption of his person from all unlawful restraint. It includes the right to engage in any lawful business, and to exercise his faculties in all lawful ways in any lawful trade, profession or vocation. All laws, therefore, which impair or trammel these rights, or impose arbitrary conditions upon his right to earn a living in the pursuit of a lawful business are infringements upon his fundamental rights of liberty, which are under constitutional protection. These rights may doubtless be affected to some extent by the exercise of the police power, which is inherent in every sovereign State. But that power, however broad and extensive, is not above the Constitution. The conduct of the individual and the use of property may be affected by its lawful and proper exercise in cases of overruling necessity and for the public good. The preservation of public order, the protection of the public health and the prevention of disease, the sale of articles of unwholesome or adulterated food, the calamities caused by fire, and perhaps other subjects relating to the safety and welfare of society, are within its scope. But no law which is otherwise objectionable as in conflict with the fundamental guarantees of the Constitution can be upheld under the police power, unless the courts can see that it has some plain or reasonable relation to those subj- of them.

It is entirely safe to assert that no court has yet invoked the police power to justify a statute, the purpose of which was to enhance the wages of labor in certain factories by suppressing, through the agencies of the criminal law, the sale of competing products made in prisons. If the wages of labor in a few factories producing goods such as are also made in prisons may be regulated by the police power, there is no reason why that power may not be used to regulate the rewards of labor in any other field of human exertion. That all legislation of this character, with this end in view, which subjects the individual to criminal prosecution unless he will comply with regulations in the sale of such goods that are intended to depress their value or demand in the market, is in violation of the Constitution, can not be doubted.

It would be trifling with the Constitution to attempt to uphold this law on the ground that all producers or vendors of goods may be required to tell the truth concerning them, both as to their quality and the means by which or the place where they were manufactured. A knowledge of the truth concerning the origin of every article of property which is the subject of sale, trade or commerce can not be essential to the public welfare, and even if it was the law could be effective only when applied to all property alike and not limited to articles made in certain places and by a certain class of workmen. Any attempt to carry the police power to such an extent as to require the owner of an article of property kept for sale, such as a scrubbing brush, to label it with the history of its origin and to indicate the place where it was made and the class of workmen that produced it, and to enforce such regulations by the aid of the criminal law, must be regarded as an inexcusable and intolerable invasion of the rights and liberty of the citizen. There is nothing in the character or effect of prison labor to justify such legislation. The health and welfare of convicts is a subject peculiarly within the functions of government. The State in order to carry out the purposes of punishment must employ them at some useful labor. Whatever it may be their work must in some degree come into competition with the labor of others. It is not at all likely that this result ever had or can have any material or perceptible influence on wages. But even if it had, the welfare of the convicts and the interests of the taxpayers are proper subjects for consideration.

The question is reduced to the simple inquiry whether the legislature under the guise of the police power can regulate the price of labor by depressing, through the penalties of the criminal law, the price of goods in the market made by one class of workmen and correspondingly enhancing the price of goods made by another class. If the statute does not tend to produce that result there is no reason or excuse for its existence, and it would be a useless and arbitrary interference with the liberty of the individual without any possible reason or motive behind it. The law is now defended upon the ground that it was intended to accomplish, and in fact does tend to promote, that very result. If the police power extends to the protection of certain workmen in their wages against the competition of other workmen in penal institutions, why not extend it to other forms of competition? Why not give the workman who has a large family to support some advantage over the one who has no family at all? Why not give to the old and feeble a helping hand by legislation against the competition of the young and the strong? Why not give to the women, the weaker sex, who are often the victims of improvidence and want, a preference by statute over the men? Why confine such legislation to scrubbing brushes and like articles made in prisons, when multitudes of men engaged in farming,

mercantile pursuits and almost every vocation in life are struggling against competition? If the statute now under consideration is a valid exercise of the police power, I am unable to give any reason why the legislature may not interfere in all the cases I have mentioned to help those who need help, at the expense of those who do not.

It would be difficult to give any satisfactory reason, legal, moral or economic, why a person who happens to be confined in a prison should not be permitted or compelled to earn his living and pay his way instead of becoming a burden upon the public, to the detriment of his health and morals. The mere fact that he is in prison may be due to misfortune or to his natural surroundings, and in some cases he may be at least morally innocent. The State may certainly, for his own benefit and for the relief of the taxpaying community, employ him at some useful labor, and whether that labor be in building roads or making shoes, he takes the place of another. If it be lawful and right to so employ him, it is difficult to see why the State may by legislation depress the value of the products of his labor when such property is purchased in the ordinary course of commerce by a dealer therein. The State, while permitting such property to come within its jurisdiction in the regular course of trade, can not then impair its value by hostile legislation without a violation of the constitutional guaranties for the protection of property. Aside from the peculiar restrictions of revenue laws, the merchant or dealer may buy his goods where he can obtain them to the best advantage, and any restriction upon his freedom of action in this respect by State laws is, in a broad sense, an invasion of his right of liberty, since that term comprehends the right of the individual to pursue any lawful calling.

I think that the statute in question is in conflict with the constitution of this State, since it interferes with the right to acquire, possess and dispose of property and with the liberty of the individual to earn a living by dealing in the articles embraced within the scope of the law. It is an unauthorized limitation upon the freedom of the individual to buy and sell all such articles, subject only to the law of supply and demand, and the legislation is not within the scope of the police power.

It has been suggested by some members of the court that the statute in question can be upheld under the recent amendment to the State constitution with respect to prison labor. It should be observed that no such point was argued or submitted, either in this court or the court below, but since some of my brethren are of that opinion, the question may be properly discussed. The language of the amendment is as follows:

"The legislature shall, by law, provide for the occupation and employment of prisoners sentenced to the several State prisons, penitentiaries, jails and reformatories in the State; and on and after the first day of January, in the year one thousand eight hundred and ninety seven, no person in any such prison, penitentiary, jail or reformatory, shall be required or allowed to work, while under sentence thereto, at any trade, industry or occupation, wherein or whereby his work, or the product or profit of his work, shall be farmed out, contracted, given or sold to any person, firm, association or corporation. This section shall not be construed to prevent the legislature from providing that convicts may work for, and that the products of their labor may be disposed of to, the State or any political division thereof, or for or to any public institution owned or managed and controlled by the State, or any political division thereof." (Const. 1894, art. 3, sec. 20.)

It is said that this provision of the constitution indicates and

expresses a public policy on the part of the State to suppress the competition of prison labor with free labor by forbidding the sale to the general public of prison-made goods. The term "public policy" is frequently used in a very vague, loose or inaccurate sense. The courts have often found it necessary to define its juridical meaning, and have held that a State can have no public policy except what is to be found in its constitution and laws. Therefore, when we speak of the public policy of the State, we mean the law of the State, whether found in the constitution, the statutes or judicial records, so that the inquiry is whether the provision of the constitution above cited forbids the sale of prison-made goods to the general public. Either it does or does not. If it does not, there is an end of the argument on that point. If it does, we will see hereafter how it affects the validity of this statute. If the framers of the constitution intended to forbid the sale of prison-made goods to the general public, or to prohibit dealing in them, it was an easy matter to say so in terms that could not be misunderstood. Surely, the poverty of our language is not such as to preclude the framers of the fundamental law from giving plain and direct expression to such a simple thought. But the section above quoted does not forbid the sale of any article of property. It deals only with modes of employing convicts and with practices that had formerly existed, under which the labor of convicts had become a subject of bargain and sale. It simply abolished what was known as the contract system of labor in prisons, whereby the profits of the labor of convicts were secured by contractors or private parties. This is apparent from the language of the section which begins by providing for the employment of convicts. It then forbids the employment of the inmates of penal institutions at any trade or industry *whereby* "his work or the product and profits of his work shall be farmed out, contracted, given or sold to any person." What is it that this language forbids? Not dealing in tangible things or articles of property wherever made, but the farming out, contracting, giving away or selling of convict labor. The words "product and profit of his work" do not refer to articles of property, but to the net value of labor. If the framers of the constitution intended to prohibit dealing in any article of merchandise, surely they would not have described the article by such vague terms as the *products of work*. A manufactured article is not known in common parlance, in law or political economy as the "product of labor." Of course, labor enters into its production, but in many cases it is an insignificant element. The article is the product of raw material and labor combined, or, as it is commonly expressed, labor and capital. The prohibition against dealing in any article of property can not be found in this section without giving to the words a strained and unnatural meaning. If any of the penal institutions of the State happen to have a farm attached to it, worked by the convicts, as some of them probably have, it would be a very narrow construction of this section to hold that the products or profits of the farm, whether consisting of cattle or other farm produce, could not be sold to the general public because it would be the products and profits of prison labor.

But if it be assumed for the purpose of the argument that the constitution does forbid the sale of prison made goods to the public, it would not help the statute in question, but, on the contrary, would furnish an additional reason for its condemnation. If the constitution forbids the sale of such goods, or prohibits dealing in them as merchandise, then clearly the legislature has no power to enact laws regulating and permitting such sales. That this was the purpose and was

the obvious effect of the statute in question in its entire scope and meaning must, of course, be admitted. Therefore, if the section means what is claimed for it, the legislature has attempted to regulate and permit what the constitution forbids. It has attempted to regulate and permit the sale of prison-made goods by fixing upon them a badge of their origin, when the constitution provides that they shall not be sold at all. It is difficult, therefore, to understand how any one, who believes that the constitution interdicts the sale of convict-made goods, can at the same time reach the conclusion that the statute is in harmony with the constitution.

It would be manifestly unjust and inconsistent for the State, which encourages and commands the employment of convicts and becomes itself the patron and customer of prison-made goods, to prohibit citizens from dealing in the same property.

What policy could the framers of the constitution have had in view when providing for the employment of convicts and for drawing supplies needed by the State from goods produced in the prisons, if at the same time they forbid the general public from dealing in the same class of goods? When it is asserted that the lawmakers intended to employ convict labor in the production of property, and at the same time enacted that the property so produced should not become a part of the general mass of merchandise in the State, or the subject of gain and sale like other property, we look for language in the constitution so clear and explicit that no other construction is possible than that put upon it, but such language is not there. This construction would really impeach the honor and justice of the State, make it the beneficiary of convict labor and the sole competitor with free labor. We think the constitution is open to quite another construction, and much more honorable to the State.

But such a construction of the constitution must, if adopted, encounter another and still more serious obstacle. Assuming that it forbids the sale in this State of the convict-made goods of Ohio, it is in conflict with the commerce clause of the Federal Constitution. The articles described in the indictment in this case came into this State from a penal institution in Ohio through the operation of interstate commerce. The argument in favor of the validity of the statute assumes that it was not only the purpose of the statute, but of the constitution of the State, to discriminate against such articles and in favor of the same articles, produced by free labor, in the market of this State. It was a regulation of commerce by means of which the value of merchandise produced in another State was to be depressed or its sale entirely prohibited. No State can in its sovereign capacity or in its fundamental law enact anything in violation of the Federal Constitution any more than can the legislature, acting in a representative capacity. That Constitution is the supreme law of the land; and nothing contained in the constitution or statutes of any State to the contrary notwithstanding. A State constitution which is in violation of the supreme law is of no more force than a State statute open to the same objection, so that, even if this statute was not in conflict with our own constitution, it would come under the condemnation of the Constitution of the United States. A State law which interferes with the freedom of commerce is not saved by the fact that it applies to all States alike, including the State enacting it. Interstate commerce can not be taxed, burdened or restricted at all by State law, even though operating wholly within its own jurisdiction. If it is a regulation of commerce, the law relates to a subject within the ex-

sive jurisdiction of Congress, upon which the State has no power to legislate. It matters not whether the regulation be under the guise of a law requiring a municipal license to sell certain goods, or a health law requiring inspection of the article, or a label law, as in this case, requiring the article to be branded or labeled. When they operate as burdens or restrictions upon the freedom of trade or commercial intercourse they are invalid. This statute manifestly discriminates against the sale of goods made in a prison in the State of Ohio by a certain class of workmen, and in favor of the same articles when made outside a penal institution and by free labor. In some of the States labor is much cheaper than in others. But the State where labor commands the highest price can not make discriminating regulations for the sale of the goods made in the State where it is cheapest in order to favor the interests of its own workmen. One State may have natural advantages for the production of certain goods by reason of location, climate or the rate of wages over another State where it costs more to produce them, but the latter can not by hostile legislation drive the cheaper made goods of the former out of its markets, even though such legislation would increase the wages of its own workmen. Trade and commerce between the States must be left free. The Constitution intended that it should be affected only by natural laws and the ordinary burdens of government imposed through the exercise of the taxing power equally on all property. The police power of a State can not be used to depress the price or restrict the sale of articles of commerce merely because they happen to be made in a prison or by a certain class of workmen, while the same articles made in some other place and by free labor are left untouched by the regulation. A citizen of this State who happens to buy goods made in a prison in Ohio has the right to put them upon the market here on their own merits, and if this right is restricted by a penal law, while the same goods made in factories are untouched, such a law is a restriction upon the freedom of commerce, and the objection to it is not removed by the fact that it may have been enacted in the guise of a police regulation. The validity of such a law is to be tested by its purpose and practical operation without regard to the name or classification that may have been given to it.

This State has declared its policy to utilize convict labor in the production of such articles as the government itself, or that of any political division, or the management of any public institution may need. The convict labor necessary to supply such a large consumption must necessarily in some degree at least affect the wages of free labor, if the argument in support of this law be correct, but the general public good overbalances any evil, real or imaginary, that may proceed from that policy. Some other State may not see fit to take all the profits of convict labor itself, but to sell the products in the market, and when the articles thus produced have been absorbed into the general mass of merchandise they can not be made the object of hostile legislation to depress their value any more than if they had been made in private manufacturing establishments. The statute in question is aimed at property produced by a certain kind of labor, and the plain purpose is to depress its value or restrict its sale in order to enhance the price or enlarge the demand for the same kind of property produced by some other kind of labor. It belongs to a class of laws which have become quite common in recent years, all resting largely upon the notion that the important problems involved in the social or industrial life of the people may be solved by legislation. This theory has, no doubt, a certain fascination over some minds, but so long as legislative power is

circumscribed by the restrictions of a written Constitution, a statute like this can not be sustained by the courts. Whether tested by the Federal or State Constitution it is, I think, an invalid law.

The judgment of the courts below sustaining the demurrer to the indictment should be affirmed.

CONSTITUTIONALITY OF STATUTE—PREFERENCE OF DISCHARGED UNION SOLDIERS, ETC., IN EMPLOYMENT ON PUBLIC WORKS—*State ex rel. Kreigh v. Board of Chosen Freeholders of Hudson County*, 40 *Atlantic Reporter*, page 625.—This was an application by the State of New Jersey to the supreme court thereof, on relation of George E. Kreigh, for a writ of mandamus against the above-named board. The court rendered its decision June 13, 1898, and denied the application. The application turned upon the construction of chapter 65, acts of 1897, the title of which reads as follows: "An act respecting the employment of honorably discharged union soldiers, sailors, and marines in the public service of the State of New Jersey, relative to removals." The body of the act provides for the preference in employment of ex-soldiers, etc., not only by the State but by the cities, counties, towns, and villages thereof, and regulates their removal from the public service of the State, etc. Chapter 155, acts of 1895, providing that "no person now holding a position or office under the government of this State, or the government of any city or county of this State" shall be removed "except for good cause shown," etc., was also interpreted by the court in its decision. The decision made by the court turned largely upon the effect of subsection 4 of section VII of article IV of the State constitution, which reads as follows: "To avoid improper influences which may result from intermixing in one and the same act such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title."

The opinion of the supreme court, delivered by Judge Dixon, reads as follows:

The relator asks for a mandamus commanding the board of chosen freeholders of Hudson County to restore him to employment as a carpenter to work about the grounds and buildings of the county courthouse. The case shows that he was so employed by the board on December 17, 1896, to do whatever carpenter work he was directed by the county superintendent to do, for which he was to be paid \$3.60 per day; that he was an honorably discharged Union soldier; and that on December 9, 1897, he was dismissed by the board, without any reason being assigned. His application for mandamus is based on the act of March 31, 1897 (P. L., 1897, p. 142) [chapter 65, acts of 1897]. But, because of the title, that act can not extend to persons not employed "in the public service of the State of New Jersey." The clauses in the body of the act relating to the cities, counties, towns, and villages of the State are inoperative, under our constitution. [Subsection 4 of section VII of article IV.] (*Allen v. Commissioners*, 57 N. J. Law, 303; 31 Atl., 219; *Schenck v. State*, (N. J. Sup.,) 37 Atl., 724.) The relator's

claim must therefore be tested by the act of March 14, 1895 (3 Gen. St., p. 3702) [chapter 155, acts of 1895]. That statute protects only those persons who hold "an office" or "a position;" and we think that, according to the views heretofore expressed as to the meaning of those terms (*Lewis v. Jersey City*, 51 N. J. Law, 240, 17 Atl., 112; *Stewart v. Board*, [N. J. Sup.,] 38 Atl., 842), the employment of the relator did not place him in either an office or a position, within the purview of that statute. He was to work by the day only, and the services to be rendered by him were merely such as, in the line of his trade, might be directed from time to time by his superior. Thus, he appears to have belonged to a class of employees who, according to the opinion pronounced by Mr. Justice Depue in *Lewis v. Jersey City*, *ubi supra*, were not included within such a statutory provision. The motion for mandamus must be denied, with costs.

CONSTITUTIONALITY OF STATUTE—WEIGHING COAL AT MINES—

Wilson v. State, 53 *Pacific Reporter*, page 371.—Henry Wilson was convicted in the district court of Crawford County, Kans., of a violation of the provisions of chapter 188 of the acts of 1893 of that State, regulating the weighing of coal at the mine. He appealed to the court of appeals of the State, claiming that the statute was unconstitutional, and that court rendered its decision May 19, 1898, sustaining the constitutionality of the act in question and affirming the judgment of conviction had in the lower court.

The following, quoted from the opinion of the court of appeals, which was delivered by Judge Milton, shows the facts in the case and the important reason for the decision:

Appeal by Henry Wilson from a conviction under an information charging a violation of the provisions of chapter 188, Laws Kans., 1893. The case was tried by the court upon an agreed statement of facts, a jury having been waived. The title of the said chapter is, "An act to regulate the weighing of coal at the mine." Section 1 reads: "It shall be unlawful for any mine owner, lessee, or operator of coal mines in this State, employing miners at bushel or ton rates, or other quantity, to pass the output of coal mined by said miners over any screen or other device which shall take any part from the value thereof before the same shall have been weighed and duly credited to the employee and accounted for at the legal rate of weight as fixed by the laws of Kansas." Section 2 requires that the weighman employed at any mine shall subscribe an oath to do justice between employer and employee, and to weigh the output of coal from the mine in accordance with the provisions of section 1, and makes a violation of the act a misdemeanor. Section 3 provides that the miners employed by or working for any mine owner may employ a check weighman. Section 4 relates to fraudulent weighing. Section 5 reads: "Any provisions, contract, or agreement between mine owners or operators thereof and the miners employed therein, whereby the provisions of section 1 of this act are waived, modified, or annulled, shall be void and of no effect; and the coal sent to the surface shall be accepted or rejected, and if accepted, shall be weighed in accordance with the provisions of this act; and right of action shall not be invalidated by reason of any contract or agreement."

The information charged, substantially in the language of the first section of the statute, that Wilson was the superintendent and agent of the Mt. Carmel Coal Company, a private corporation, organized under the laws of this State, and engaged in the business of mining and selling coal for private gain, and that, as such superintendent and agent, he knowingly directed and caused all the output of coal from the company's mines, produced by its miners employed at ton rates, to be passed over screens before such output had been weighed (but with the knowledge of and by virtue of a contract with the miners), whereby a large part of the value of the coal was taken therefrom before the same had been weighed and duly credited to the miners, and accounted for, at the legal rate of weights, as fixed by the laws of Kansas. The agreed statement of facts practically admitted the allegations of the information, and added thereto that the miners were employed by Wilson under contracts providing for payment at ton rates; that the output of the mines should be passed over screens before being weighed, and that the miners should be paid at the rate of 95 cents per ton of screened coal; that a portion of the coal, consisting of "nut" and "slack," produced by the said miners, passed through the screen, and did not reach the scales, and was not weighed, and that such slack and nut coal so deducted from the output of the mine by screening had a marketable value; that to comply with the provisions of this act would require the coal company to purchase an extra set of scales; that all of the miners in the employ of the coal company were of full age, and legally competent to contract and to be contracted with.

Appellant claims that the act under which he was convicted is unconstitutional and void, for the reason that it is violative of the bill of rights of this State, and also of section 1 of the fourteenth amendment to the Federal Constitution, this being the principal contention. It is also claimed that, under the facts of the case, appellant is not guilty even if the law is valid.

1. Referring to the last-stated contention, which is presented first in appellant's brief, we remark that his counsel, throughout their whole argument, assume that the object of this act is to regulate the rate of wages to be paid by mine operators to their employees. We think this assumption is unwarranted, and that, in so far as the arguments of counsel rest upon it, such arguments are irrelevant to the questions which properly arise in the case. It would hardly be claimed that the act would be valid, within the provisions of section 16 of article 2 of the State constitution, if the body thereof contained provisions fixing the rate of wages of miners, under the title, "An act to regulate the weighing of coal at the mine."

Counsel say that it was clearly the intention of the legislature to punish the act of passing the output of a coal mine over a screen or other device which should take any part from its value in determining the wages or compensation to be paid the miners, or its value as the measure of the wages to be received, and that where any part of its value as such measure is not only not taken away, but is increased by screening (as they claim is true in this case), such an act is not a violation of the law. We can not agree with this construction of the statute. It was manifestly the intention of the legislature to require that, where a screen is used by any mine operator, the same shall not be employed prior to the weighing of the coal if the use of the screen would take from the coal any part thereof which has a money value. It is not an act to prohibit the screening of coal, but it is an act to regulate the weighing of coal before screening. The agreed statement of

facts shows that the law was disregarded in this case. It also shows that to comply with the provisions of this law would require the coal company to purchase an extra set of scales; that is, the evidence shows that, while the act has been a law of the State for more than four years, the coal company had made no provision for complying with its terms. It is plain that the company has rested upon its "constitutional rights" while declining to obey a statute. It has asserted its "inalienable right" of contracting in defiance of a law.

2. In support of the claim of the unconstitutionality of this enactment, counsel argue at great length that a legislative act may be unconstitutional where it invades the inherent rights of the citizen to life, liberty, and the pursuit of happiness, even if no express constitutional provision is violated. Much research has been devoted to this branch of the case, and it is presented with great clearness and vigor. The proposition is sustained by a multitude of authorities. The limitation to this rule is that a very clear case of such invasion of rights must appear to justify a court in holding an act to be unconstitutional upon the ground stated. As a basis to their argument that this act violates section 1 of our bill of rights and section 1 of the fourteenth amendment to the Constitution of the United States, counsel for appellant say: "What does the statute in question attempt to do? If the contention on behalf of the State is correct, section 1 makes it unlawful for any mine owner, lessee, or operator of coal mines in this State employing miners at bushel, ton, or other quantity rates to make any contract with the miner for compensation on the basis of screened coal." They further say that, if the statute is valid, a contract which modifies or violates its terms is void, and that, no matter how beneficial it would be to the miner to enter into a contract for screened coal, for which he might receive a much greater price per ton than for unscreened or "mine-run coal," he could not maintain an action to recover his wages under such a contract, and that, in any event, his recovery would be limited to the price for mining unscreened coal. They also maintain that the effect of the law is to destroy the right of the miner to contract in respect to his own labor; that the right of contracting is a property right; that labor is property; and that the right to labor and to make contracts in respect thereto upon such terms as may be agreed upon between the parties is included in the declaration set forth in section 1 of our bill of rights.

We have already referred to what we consider a fundamental error in the theory of the appellant, in that he claims the object and purpose of this act to be the regulation of the wages of the miners. His counsel have repeatedly stated that it must be presumed in this case that the miners, with different propositions respecting the basis for the payment of their wages open before them, have chosen the proposition most favorable to themselves. Throughout their whole argument the idea that this act is intended to fix and regulate wages is kept prominent. As we have already stated, we should hold this law to be invalid if it in terms expressed such purpose, and that neither the title of the act nor the act itself directly or indirectly purports to relate to the matter of wages. If, therefore, the construction counsel seek to place upon this act be held erroneous, their arguments and deductions along this line can have no great weight in determining its constitutionality. We regard this law as being what it purports to be, as set forth in its title, and that it is intended as a police regulation, general in its application to all owners of coal mines and laborers who work in such mines. It is not therefore objectionable, as being class legislation.

It is a matter of current history, with which all citizens are familiar, that serious differences have arisen between mine operators and their employees as a result of the use of devices for screening coal. The reports of the labor bureaus of all the States wherein coal mines are operated abound in information upon this subject. It is evident that the legislature regarded the weighing of coal at the mine before screening as being properly subject to, and requiring, regulation. Of course, where screens are not used, the entire output of coal produced by each miner is weighed. Where screens are employed, such output is required to be weighed, if the effect of the screening would be to remove a portion (having value) of such output. The tendency of such a law would be to prevent possible fraud and imposition by the mine owner, and to place operator and operative upon a more nearly equal basis in respect to their mutual relations and interests than would otherwise exist. Counsel for appellant say: "It need not be argued to this court that where different propositions are open to the choice of men, whether they be miners or wood choppers, it will be presumed that the proposition most favorable to them will be accepted;" and that it must be presumed in this case that the miners agreed to that proposition which insured or promised to them the best wages. The objection to this view is the assumption that an option was presented to the miners as to the basis of their contracts. As already noted, the coal company had made no provision for weighing coal before screening the same, from which it is clear that the assumed option could not have been exercised. Until proper provision is made for weighing the coal, the miner can not exercise a choice. In the way provided by this statute, and in no other way, will an equitable basis be reached. As stated by the Supreme Court in the case of *Holden v. Hardy* [18 Supreme Court Reporter, page 383], proprietors of coal mines and their operatives do not stand upon an equality, and their interests are to a certain extent conflicting.

3. But, as we view this act, it is by no means an innovation or a legislative novelty. Not only is it not novel or at variance with present legislation elsewhere, but the principle involved has been expressed in other statutes of this State for many years, and has been embodied in the laws of some of the older States for almost a century. In our statutes relating to cities of the first class it is provided that the council may prescribe rules for weighing and measuring every commodity sold in the city, in all cases not otherwise provided for by law, and may provide for the weighing of hay, grain, and coal, and regulate and prescribe the place or places of sale of such articles. In the statutes relating to cities of the second class similar provisions are made; and cities of the third class, in addition to the provisions for such weighing, are empowered to purchase and locate public scales for such weighing, and to appoint a weighmaster. If such regulations as we have just considered are valid, this act requiring the weighing of coal at the mine is also valid. If statutes may be enacted for the benefit of the buyer who is otherwise without protection from fraud and imposition, laws may be enacted to protect the seller who would otherwise be liable to imposition and fraud. The difference in principle between the two instances is ethereal. The law's consideration and protection are extended to the party occupying the disadvantageous position.

In this case it may be said that the miner has brought the product of his toil to the market when the car containing the coal he has mined rests beneath the sun, which shines not where he delves, just as truly as that the farmer has brought his hay to market when he enters the city, where it is to be weighed and delivered to a customer, and where

he may be required by ordinance to have it weighed on scales not of his choosing. To weigh coal before it is screened is to preserve the weight of the entire product of the miner's labor. He may be far beneath the surface of the earth, engaged in his arduous task; but if what he produces is properly weighed, in accordance with the law, and subsequently accounted for, he is put upon a basis of equality with the purchaser—the operator of the mine—in matters of contract relating to such product.

In conclusion: We have given the important matters here involved much consideration, with the earnest desire to reach a right decision. Our judgment has not been persuaded that this act violates either the letter or the spirit of the constitution of this State or that of the United States. We are unable to affirm that the legislature has not "adopted the statute in the exercise of a reasonable discretion." Guided by the rule laid down by our supreme court in *State v. Barrett*, 27 Kan., 213, that "the action of the lawmaking power must in all cases be upheld unless its action is manifestly in contravention of the constitution," we hold chapter 188, Laws 1893, to be constitutional and valid. The judgment of the trial court is affirmed. All the judges concurring.

EMPLOYERS' LIABILITY—NEGLIGENCE OF MINE BOSS—FELLOW-SERVANTS—*Williams v. Thacker Coal and Coke Co.*, 30 *Southeastern Reporter*, page 107.—Action was brought by Levy Williams, administratrix of John M. Williams, deceased, against the above-named company to recover damages for the death of said Williams while in the employ of said company. He was killed by the falling upon him of a large piece of slate from the roof of the mine, owing, as alleged, to the negligence of a mine boss who had been appointed under the provisions of section 6 of chapter 70 of the acts of 1883, as amended by chapter 50, acts of 1887 [Code of 1891, page 995, section 11]. The case was heard in the circuit court of Mingo County, W. Va., and the defendant company filed a demurrer to the plaintiff's declaration. Said demurrer was sustained and a judgment was rendered for the company. The plaintiff then carried the case on writ of error to the supreme court of appeals of the State, which rendered its decision April 2, 1898, and affirmed the judgment of the lower court.

The court's opinion was delivered by Judge McWhorter, and contains the following language:

Section 11, p. 995, Code 1891, append., provides that, "in order to better secure the proper ventilation of every coal mine, and promote the health and safety of persons employed therein, the operator or agent shall employ a competent and practical inside overseer, to be called 'mining boss,' who shall be a citizen and an experienced coal miner, or any person having two years' experience in a coal mine;" and in prescribing the duties of such mining boss it provides that "he shall see that as the miners advance their excavations, proper break throughs are made as provided in section ten of this act, and that all loose coal, slate, and rock overhead in the working places and along the haulways be removed or carefully secured, so as to prevent danger to persons employed in such mines," etc. This statute is taken from the statute

of Pennsylvania. The latter requires the "owner or agent [of any coal mine] to employ a competent and practical inside overseer to be called 'mining boss,' and then prescribes his duties, similar to those prescribed by our statute, while ours prescribes that such mining boss "shall be a citizen and an experienced coal miner, or any person having two years' experience in a coal mine."

Under the Pennsylvania statute, in *Reese v. Biddle*, 112 Pa. St., 79, 3 Atl., 814, Justice Paxton, in the opinion of the court, says: "It was plain error to instruct the jury that the defendants were responsible for the negligence of their mine boss. There was no evidence that he was not competent to perform his duties, and hence no negligence can be imputed to defendants for employing him. It has been repeatedly held that a mining boss is such a fellow-servant as, in case of an injury to other employees through his negligence, the master is not responsible," and cites *Lehigh Valley Coal Co. v. Jones*, 86 Pa. St., 432; *Canal Co. v. Carroll*, 89 Pa. St., 374, and *Bridge Co. v. Newberry*, 96 Pa. St., 246. "The operator of a coal mine fulfills the measure of his duty to his employees if he commits his work to careful and skillful bosses and superintendents, who conduct the same to the best of their skill and ability." (*Waddell v. Simoson*, 112 Pa. St., 567, Syl., point 3, 4 Atl., 725.)

The statute [of West Virginia] requires that the operator or agent of every coal mine shall employ a competent and practical inside overseer. For what purpose? To better secure the proper ventilation of the coal mine, and promote the health and safety of persons employed therein. Operators and agents are not supposed to have the practical knowledge necessary to look after these matters which are of so much importance to the interests of the miners and employees in and about the mines; therefore the legislature, with proper solicitude for the welfare of those who brave the dangers of the mines in order to make a living for those dependent upon them, asserts its prerogative, and so far interferes with the private business of the capitalist who engages in the mining business as to require him to take into his employment a person whose experience in the business and sound judgment equip him for such management and oversight of the conduct of the mine as to reduce the dangers thereof to a minimum. The operator is left no choice—no discretion—in the matter. Although he may himself be a practical miner, possessed of all the qualifications of a mine boss, yet under the statute he is compelled to employ such person. Did the appellee in this case comply with the statute? The record shows that Thomas Litefoot, a man 39 years of age, a practical miner of nearly 30 years' experience in "digging coal and doing everything in a coal mine," was at the time of the injuries complained of, and had been for some months prior thereto, the mine boss in the employ of the appellee. What more could be required of appellee than compliance with the strict provisions of this statute for the protection and safety of the miners and other employees of the mines? There is no evidence tending to show incompetence of the mining boss, or negligence of appellee in employing him in that capacity; none whatever to prove, or tending to prove, that appellee knew or had notice of any part of the mine being in a dangerous condition. "Where a person or corporation is compelled by law to employ an individual in a given matter, no liability attaches for his tortious or negligent acts." (14 Am. & Eng. Enc. Law, 809.)

In *Waddell v. Simoson*, *supra*, Justice Gordon says, in the court's opinion: "Moreover, as the defendants had complied strictly with the eighth section of the act of 3d of March, 1870 [of Pennsylvania], in pro-

viding a practical and skillful inside overseer or mining boss, as they had thus fulfilled the duty imposed upon them by the general assembly, it is not for this or any other court to charge them with an additional obligation. * * * It is too plain for argument that, if the defendants have not violated said act, they are not responsible. To this doctrine we must adhere, and the more so that it is just and reasonable. The act is one of great practical utility to the miner, and lays upon the proprietors of mines all the burdens they ought of right to bear. They must provide capable overseers for their works, and they must furnish what, by such overseers, is required for the safety and welfare of the men engaged in those works. More than this they can not do, for upon the judgment and skill of these practical agents they must depend quite as much as any of the men who are engaged in their mines. Bosses, however well-intentioned and skillful, can not always be on the watch. Occasionally they will fail in judgment, and at times even be negligent. But of this the workman is quite as well aware as his employer, and upon entering upon the employment of mining he must assume the risks that are ordinarily incident thereto, among which are those accidents that may result from negligence of coemployees, of whom, as we have seen, the mining boss is one." In all the cases decided in Pennsylvania under the statute requiring operators of mines to employ mine bosses, it is held that these mine bosses are fellow-servants with the miners and employees in the mines.

The duty of the operator or agent [under the West Virginia statute] is to employ a competent mine boss according to the provisions of the statute, and when he has done so he has discharged his duty to his employees in relation to those duties which the statute prescribes shall be performed by such mine boss, and the operator or agent is not liable for injuries arising from the negligence of the mine boss, who is not a vice principal, as his duties are not delegated to him by his employer, but are prescribed by statute; and he is a fellow-servant, as in case of an injury to other employees through his negligence the master is not responsible. The judgment must be affirmed.

EMPLOYERS' LIABILITY—NEGLIGENCE OF SUPERINTENDENT—
Rion v. Rockport Granite Co. and Levigne v. Same, 50 *Northeastern Reporter*, page 525.—These actions were brought in the superior court of Essex County, Mass., to recover damages against the above-named company for personal injuries received while in its employ. Evidence showed that one Labelle, alleged to be a superintendent, placed a can of powder near the edge of a pit at the company's quarry; that soon after a tag-rope attached to a derrick being set in motion, hit the can, turned it over, and spilled the powder, which went down into the pit and exploded, and that said explosion injured both the plaintiffs. The claim was made under the provisions of section 1 of chapter 270 of the acts of 1887, as amended, which, so far as applicable to this case, reads as follows:

Where * * * an injury is caused to an employee, who is himself in the exercise of due care and diligence at the time: * * * (2) By reason of the negligence of any person in the service of the employer, intrusted with and exercising superintendence, whose sole or principal

duty is that of superintendence, * * * the employee * * * shall have the same right of compensation and remedies against the employer as if the employee had not been an employee of nor in the service of the employer, nor engaged in its work.

Judgment was rendered for the company and the plaintiffs appealed the cases to the supreme court of the State, which rendered its decision May 19, 1898, and affirmed the judgment of the lower court, deciding that the negligent act of an employee whose principal duty was that of superintendence, said act being the cause of the injury complained of, must be an act of superintendence and not one of manual labor only in order to render the employer liable under the statute.

The opinion of the supreme court was delivered by Judge Morton. and upon the point above mentioned he used the following language therein:

We think that there was testimony tending to show that the principal duty of Labelle was that of superintendence, though he also performed manual labor. But we think that the act of putting down the can of powder where he did, which is all the negligence that is relied on, hardly can be said to have been an act of superintendence on Labelle's part, even if we assume that it was negligent to leave the can where he did. There was testimony tending to show that to some extent the bosses, of whom Labelle was one, had charge of the blasting. If the work of blasting was in some sense in the nature of superintendence, the mere act of fetching and putting down a can of powder preparatory to blasting could hardly be described as an act of superintendence, or as anything more than an act of manual labor on the part of Labelle. There was nothing in it involving any control over or direction to any other workman, or requiring any skill, or distinguishing it from any other act of manual labor. When a person is employed to work with his hands, as well as to exercise superintendence, as was the case with Labelle, the line must be drawn somewhere between what are acts of superintendence and what acts of manual labor, or all that he does must be regarded as superintendence or as manual labor, which manifestly would be unjust. We think that in this case the act of fetching and putting down the can of powder must be regarded as an act of manual labor.

EMPLOYERS' LIABILITY—RAILROAD COMPANIES—INTERPRETATION OF STATUTE—*Fallon v. West End Street Railway Co.*, 50 *North-eastern Reporter*, page 536.—This case was brought up to the supreme court of Massachusetts on exceptions from the superior court of Suffolk County. It was an action brought by a conductor against a street railway company in whose employ he was injured, said injury being due, as alleged, to the negligence of a motorman employed by the same company. Judgment was rendered for the company in the superior court and the plaintiff, Fallon, took exceptions. The supreme court rendered its decision May 20, 1898, and overruled the exceptions, affirming the judgment of the lower court. The case hinged upon the inter-

pretation of clause 3 of section 1 of chapter 270 of the acts of 1887, as amended, which, so far as it affects this case, reads as follows:

Where * * * personal injury is caused to an employee, who is himself in the exercise of due care and diligence at the time: * * * (3) By reason of the negligence of any person in the service of the employer who has charge or control of any * * * locomotive engine or train upon a railroad, the employee, * * * , shall have the same right of compensation and remedies against the employer as if the employee had not been an employee of nor in the service of the employer, nor engaged in its work.

The opinion of the supreme court was delivered by Judge Morton, and reads as follows:

The plaintiff contends that a street railway car operated by electricity upon a street railway track is a "locomotive engine or train upon a railroad," within the meaning of St. 1887, c. 270, § 1, cl. 3. So far as any definition has been given by statute to the word "railroad," it has been confined to railroads operated by steam. (Pub. St., 112, § 1.) It is true that this is declared to be the meaning of the word for that and the following chapter, and that in other cases the word has been held to include street railways. (Central Nat. Bank of Worcester v. Worcester Horse R. Co., 13 Allen, 105.) It is also true that tracks laid for temporary purposes, but used for locomotives operated by steam, and for cars such as are used on steam railroads, have been held to be railroads, within the meaning of the act. But we think that by the words "locomotive engine or train upon a railroad" must be understood a railroad and locomotive engines and trains operated and run, or originally intended to be operated and run, in some manner and to some extent by steam. This, undoubtedly, was the sense in which the words were used by the legislature when the statute was enacted; and we do not feel justified now in giving to them the broad construction for which the plaintiff contends. Possibly, a railroad, when the motive power has been changed in part or altogether from steam to electricity or some other mechanical agency, but which retains in other respects the characteristics of a steam railroad, would come within the purview of the act. It is not necessary, however, to decide that question now. The defendant is a street railway operated by electricity, and running the usual street car in the usual manner. We think that a car belonging to it, and operated in the manner in which cars upon street electric lines usually are, can not be said to be a locomotive engine or a train upon a railroad, within the meaning of the statute in question. Exceptions overruled.

EMPLOYERS' LIABILITY—RAILROAD COMPANIES—NEGLIGENCE OF COEMPLOYEE, ETC.—*Akerson v. Chicago, Burlington and Quincy Railroad Co.*, 75 Northwestern Reporter, page 676.—Action was brought by one Akerson against the above-named railroad company to recover damages for personal injuries sustained while he was in the employ of said company. After a hearing in the district court of Montgomery County, Iowa, a judgment was rendered for the plaintiff and the railroad company appealed the case to the supreme court of the State, which rendered its decision May 26, 1898, and affirmed the judgment of the lower court.

The following, quoted from the opinion of the supreme court, delivered by Judge Ladd, shows the more important points of the decision and the facts in the case:

For about two and one-half years before the month of August, A. D. 1892, when the accident in question occurred, the plaintiff had worked for the defendant in its coal house at Red Oak. His duties required him to shovel coal from the cars into the chutes, to break the coal, and wet it for use, and to assist in filling the tenders of locomotive engines with coal. In the month referred to the coal house was rebuilt, and, while that was being done, tenders were supplied with coal from cars which were placed on the coach track next to the main line. The sides of the coal cars were about four feet high, and, when a tender was to be loaded, it was run onto the main line track, opposite the coal car. A bridge was made by placing together two planks (each of which was about ten feet in length, one foot in width, and two inches in thickness) in such manner that one end of each plank rested on top of the coal car, and the other on top of the tender. The bridge thus made was nearly level, and was used by the plaintiff and a coemployee in passing from the car, with a box which was provided with handles at each end, and was filled with coal, and in returning with the empty box after its contents had been dumped into the tender. On the day of the accident a locomotive engine in charge of an engineer and fireman was run up to the coal car for coal, and a bridge was made, and the tender filled by the plaintiff and his coemployee, Forshay, in the manner described. When that work was finished, Forshay remained on the tender, as he frequently did, for the purpose of riding on it to the water tank, to get water for the engine, while the plaintiff returned over the bridge to the coal car. As he was about to step from the bridge to the car, Forshay picked up a plank and shoved it into the car. The plaintiff claims that the plank caught one of his feet, and made him fall or jump into the car in such a manner as to cause a double hernia, and the evidence tends to sustain that claim. The verdict and judgment in his favor were for the sum of \$1,500.

The liability of the defendant depends upon the meaning and application of section 2071 of the Code (section 1307, Code of 1873), which is as follows: "Every corporation operating a railway shall be liable for all damages sustained by any person, including employees of such corporation, in consequence of the neglect of agents or by any mismanagement of the engineers or other employees of the corporation, and in consequence of the willful wrongs, whether of commission or omission, of such agents, engineers, or other employees, when such wrongs are in any manner connected with the use and operation of any railway on or about which they shall be employed, and no contract which restricts such liability shall be legal or binding."

The evidence tends to show that the accident was occasioned by the negligence of Forshay. It is said, however, that this was in no manner connected with the use and operation of the railway.

The court, in order to uphold the constitutionality of the law in *Deppe v. Railroad Co.*, 36 Iowa, 52, limited the term "employees" to those engaged in operating the railroad, saying, through Cole, J.: "The manifest purpose of the statute was to give its benefits to employees engaged in the hazardous business of operating railroads. When thus limited it is constitutional; when extended further, it becomes unconstitutional." That the employment at the time of the injury must have exposed the complainant to the hazards of railroading, without refer-

ence to what he may be required to do at other times, is no longer questioned.

The peculiarity of the railroad business, which distinguishes it from any other, is the movement of vehicles or machinery of great weight on the track by steam or other power, and the dangers incident to such movement are those the statute was intended to guard against. If, then, the injury is received by an employee whose work exposes him to the hazards of moving trains, cars, engines, or machinery on the track, and is caused by the negligence of a coemployee in the actual movement thereof, or in any manner directly connected therewith, the statute applies, and recovery may be had. Beyond this, the statute affords no protection. The purpose of the lawmakers was evidently not to make men, because employed by railroad companies, favorites of the law, but to afford protection owing to the peculiar hazards of their situation. That the plaintiff's employment exposed him to the peculiar dangers of railroading admits of no doubt. The important question is whether the negligence of Forshay, causing the injury, was so immediately connected with and incident to the movement of the engine and tender as to come within the statute. We think it was. The engine had been detached from an incoming freight train, and was moved opposite the coal car, for the purpose of filling the tender with coal to be used as fuel, and, this done, by running two planks from the tender to the coal car. Over these the coal was carried in boxes, and, when this work was done, these were necessarily taken from the tender to enable the engine to move from the main track. In doing this, Forshay picked up and pushed one of the planks just as the plaintiff was about to step on the coal car, and, to save himself, the latter was compelled, in order to avoid this plank, to jump sidewise among some boxes below. The very purpose of removing the plank was to enable the engine to move, and if, in doing this, Forshay was negligent, such negligence was so closely connected with the movement as to come within the terms of the statute. Indeed it is difficult to conceive of a case where negligence not in the actual movement of an engine is more directly connected therewith.

FACTORY INSPECTION—VIOLATION OF ACT—*People v. Dow*, 76 *Northwestern Reporter*, page 89.—In the recorder's court of Detroit, Mich., one Alexander Dow was convicted of violating the factory inspection law. He brought the case upon writ of error before the supreme court of the State, and a decision was rendered by said court July 12, 1898, in which it reversed the judgment of the lower court.

The opinion of the supreme court, in which the facts in the case are sufficiently set out, was delivered by Judge Montgomery, and reads as follows:

The respondent was prosecuted for a violation of act No. 184, Laws 1895, known as the "Factory inspection law." This law provides that "the commissioner of labor * * * and deputy factory inspectors shall be factory inspectors in the meaning of this act, and are hereby empowered to visit and inspect at all reasonable hours and as often as practicable or required, the factories and workshops and other manufacturing establishments in the State," etc. A further provision is, that any person who refuses or omits to comply with any of the foregoing

provisions of this act, or any person who interferes in any manner with the factory inspector in the discharge of his duties, shall be punishable, etc. The charge preferred against this respondent is that he did unlawfully interfere with one Otto Reinhardt, a deputy State factory inspector, in the discharge of duties, "in refusing him access to the machinery department of the Edison Illuminating Company, of which said Alexander Dow was then and there the general manager."

The evidence on the trial disclosed that the inspector visited the premises of the Edison Illuminating Company, and was referred by the person in charge of the office to the engineer. The office was upstairs. He then went downstairs, and found a door which he assumed to be the door leading into the engine room. It appears by the undisputed testimony that, as a matter of fact, this was not the regular door used for that purpose; that, while it led indirectly to the engine room by means of a flight of steps, yet there was a regular door to the engine room. While standing near this door the respondent entered the other door. The parties are not agreed as to just what the conversation was, but both do agree that respondent directed Mr. Reinhardt to the engineer, and directed him to go around to the other door. This the inspector refused to do, but demanded admission at the door in question.

The prosecuting attorney in his brief says that the question to be decided is whether the factory inspector or his deputy has the right, at all reasonable times, to enter at any door or entrance that is open, and through which access may be gained to the machinery, in any factory that the duties of the factory inspector or his deputy, as set forth in the statute under which the warrant in this case was issued, may call him, or whether the factory inspector or his deputy [may] be compelled to enter such factory through such opening or door as the proprietor or person in charge may see fit to designate. We have no hesitancy in answering this question, and affirming that it is the duty of the factory inspector to observe the reasonable regulations of the proprietor. The authority conferred by this statute is extraordinary, and due regard to the rights of others would suggest to the officers that the authority be exercised in such a way as to avoid collision with the owner or occupant, if possible. It is not suggested that the door to which this factory inspector was directed did not afford access to the department which he sought to inspect. This being so, it can not be said that the respondent interfered with the inspector by refusing him access to the machinery department of the company, unless it be held that the inspector is to be the judge of the aperture through which he is to enter. It would, of course, be a physical possibility to enter through an open window, but, if the proprietor had provided a door to admit persons to the premises, he would not be bound to permit the inspector to enter at the window. The case would have been quite different if the refusal had been captious, or if the door to which the inspector had been directed would not have afforded him full access to all parts of the factory which he desired to inspect. The provisions of the law are wise and salutary, and we would by no means be disposed to place such a construction on the statute as would be calculated to unnecessarily hamper officers in the discharge of their duty; but, on the other hand, the power to enter upon private premises for the purpose of inspecting property is a delicate power, and should be exercised with great caution. We think the evidence in this case did not warrant a conviction. Judgment will be reversed, and a new trial ordered.

MASTER AND SERVANT—REFUSAL TO PERFORM SERVICES—CRIMINAL LIABILITY—*McIntosh v. State*, 23 *Southern Reporter*, page 668.—In an action heard in the county court of Wilcox County, Ala., Alexander McIntosh was convicted of obtaining money from his employer under a written contract of hire with intent to defraud. Said conviction was had under the provisions of section 4730, Code of 1896, which reads as follows:

Any person, who, with intent to injure or defraud his employer, enters into a contract in writing for the performance of any act or service, and thereby obtains money or other personal property from such employer, and, with like intent, and without just cause, and without refunding such money, or paying for such property, refuses to perform such act or service, must, on conviction, be punished as if he had stolen it.

The charge made was that McIntosh, with intent to injure or defraud his employer, entered into a contract in writing for the performance of services, and thereby obtained \$20 from said employer, and with like intent, and without just cause, and without refunding such money, refused to perform such services in violation of the above-quoted section of the Code. After the introduction of the evidence the defendant requested the court to give to the jury the following charge: "The court charges the jury that if they believe from the evidence that Alexander McIntosh performed enough labor, at the rate of nine dollars per month, to pay the twenty dollars charged in the indictment, then, in that event, they must acquit the defendant." The court refused to give this charge and the defendant, being convicted, appealed the case to the supreme court of the State, which rendered its decision June 2, 1898, and reversed the judgment of the lower court.

The opinion of the supreme court, delivered by Chief Justice Brickell, reads as follows:

The accusation against the defendant was founded on an alleged violation of the statute (Code 1886, § 3812; Code 1896, § 4730) directed against frauds practiced on employers by servants or employees, obtaining money or other personal property from the employer upon a contract in writing for the rendition of service. In *Ex parte Riley*, 94 Ala., 82, 10 South., 528, it was said by Walker, J., in exposition of the statute: "The effect of this statute is to provide for the punishment criminally of a certain class of frauds which are perpetrated by means of promises not meant to be kept." And further it was said: "The ingredients of this statutory offense are: (1) A contract in writing by the accused for the performance of any act or service; (2) an intent on the part of the accused, when he entered into the contract, to injure or defraud his employer; (3) the obtaining by the accused of money or other personal property from such employer by means of such contract, entered into with such intent; and (4) the refusal by the accused, with like intent, and without just cause, and without refunding such money or paying for such property, to perform such act or service. This statute by no means provides that a person who has entered into a written contract for the performance of services, under which he has obtained money or other personal property, is punishable as if he had stolen such money or other personal property, upon his refusal to perform the contract,

without refunding the money or paying for the property. A mere breach of the contract is not, by the statute, made a crime. The criminal feature of the transaction is wanting, unless the accused entered into the contract with intent to injure or defraud his employer, and unless his refusal to perform was with like intent, and without just cause."

In the present case the only witness examined to show the criminalizing constituents of the offense was the employer and prosecutor, who testified that the defendant, in November, 1896, entered into a contract in writing to work for him as a farm laborer for the term of 12 months, and for his services he promised to pay defendant \$9 per month. At the time of entering into the contract he advanced the defendant the sum of \$20, and the defendant worked for him under the contract for a period of 7 months, when, without his consent, he abandoned the service. Under the contract, on the expiration of each month, the defendant became entitled to receive the monthly installment of the wages the employer had contracted to pay, and the right of action for the recovery of each installment was perfect. In view of the relation of the parties, the employer had the right to retain the wages until the money he had advanced was refunded. Refunding the money, or restoring other property, with which the employer, by reason of the contract, was induced to part, is a principal purpose the statute is intended to enforce. When the money is refunded, or the property restored, the employer is saved from injury or loss, and subsequent breaches of the contract must be redressed by the pursuit of civil remedies. The rendition of service by the defendant for a period more than sufficient to have repaid the money advanced to him, takes away an essential ingredient of the offense. The county court erred in the refusal of the instruction requested by the defendant. The judgment is reversed, and the cause remanded. The defendant will remain in custody until discharged by due course of law. Reversed and remanded.

DECISIONS UNDER COMMON LAW.

ASSIGNMENT OF FUTURE WAGES—GARNISHMENT—*Harrison v. Louisville and Nashville Railroad Co., 23 Southern Reporter, page 790.*—This was a suit in garnishment brought by George E. Harrison against the above-named railroad company in the city court of Birmingham, Ala. From a judgment in favor of the company the plaintiff appealed to the supreme court of the State, which rendered its decision June 16, 1898, and affirmed the judgment of the lower court.

The opinion of the supreme court, delivered by Chief Justice Brickell, contains a sufficient statement of the facts in the case and reads as follows:

In a contest of the answer of a garnishee, admitting an indebtedness of \$4.29, it appeared, from an agreed statement of facts and other testimony in the case, that at the time of the service of the writ, May 28, 1895, the defendant was in the employ of the garnishee, the Louisville and Nashville Railroad Company, as a switchman, and continued in its service until June 30, 1895, earning during that period the sum of \$29.29, which was payable on the 14th of the next month. On June 30, 1895, while still in the employ of the garnishee, the defendant bought from the Birmingham Mercantile Company goods to the amount of \$25, which sum garnishee withheld from the wages earned by defend-

ant during the above period, and paid to the Birmingham Mercantile Company on July 14, 1895, the regular pay day for the wages thus earned. Previous to the service of the writ of garnishment the garnishee had made an arrangement with the Birmingham Mercantile Company by which it was agreed that in the event any of the switchmen or brakemen employed by the garnishee should, during any month while in its employment, purchase goods and provisions from said company, the garnishee would withhold from the earnings of said employee during said month, and pay to said company on the regular pay day, the amount due for the goods so purchased, not exceeding \$25 per month, provided the employee had earned that amount, which agreement, which was in force during the whole of the year 1895, and up to the time of the trial, was to continue in force until further notice from the garnishee. The defendant had knowledge of this agreement, and had ratified its terms, previous to the suing out of the garnishment in this case. With respect to those of the employees of the garnishee who ratified this agreement, its practical as well as legal effect was that of an order on the garnishee, accepted by it, to pay to the mercantile company, on the regular pay day, out of the future wages to be earned by them, the amount of the account due said company for provisions advanced during the preceding month, not exceeding \$25. It would authorize the mercantile company to maintain an action against the garnishee for the recovery of the amount due on an account thus incurred by the employee while the agreement was in force, and would preclude any recovery by the employee, in an action of debt or indebtedness against the garnishee, of the wages earned by him, except such as exceeded the sum of \$25, or the amount of said account.

As to each of the employees who dealt with the mercantile company with knowledge of the agreement, and acquiescence in its terms, it operated as an assignment each month to said company, made while in the employ of the garnishee, of the future wages to be earned by him during the month, to the amount of \$25, in consideration of the advances to be made to him by the assignee. Such assignment of wages to be earned in the future under an actual employment subsisting at the time of the assignment, when made in good faith and for a valid consideration, has universally been held to be valid, not only for the security and payment of a present indebtedness, but for such advances as the assignor may find it necessary to obtain, although his wages per month may vary, and he may be liable to removal at any time. (*Wellborn v. Buck* (Ala.), 21 South., 786; 2 Am. & Eng. Enc. Law (2d ed.), 1031.)

The good faith of the parties to the agreement in making the same, or of the defendant in ratifying it and acquiescing in its terms, or of the mercantile company in furnishing the provisions to the defendant, is not impeached by any evidence in the record. The mercantile company is not shown to have had any notice of the garnishment at the time it furnished the goods; and no duty devolved upon the garnishee to give it such notice, or to discontinue the operation of the agreement, as to this defendant, because of the garnishment. What would have been the effect on the question presented if such notice had been given, we do not now consider. Treating the agreement as, in effect, a valid assignment of the defendant's wages, the principle involved in the question presented by the appeal does not differ from that considered and determined at the last term in the case of *Wellborn v. Buck*, *supra*, in which it was held that in a garnishment proceeding, in which the garnishee had suggested a third person as a claimant of the wages admitted to have been earned by the defendant, the claim was sus-

tained by proof that prior to the service of the garnishment writ the garnishee had accepted an order given by the defendant, while in its employ, authorizing it to pay to claimant, out of the future wages to be earned, a sum not exceeding a certain amount, which order had been given in consideration of advances to be made to the defendant by the claimant. The agreement in this case vested in the mercantile company the right to \$25 of the wages earned by the defendant, and the lien of the garnishment, created by its service, did not, therefore, attach to any except the excess of said wages over and above that amount; and this sum having been paid into court, the garnishee was properly discharged, and judgment for the costs was properly rendered against the plaintiff. Affirmed.

EMPLOYERS' LIABILITY—CONTRIBUTORY NEGLIGENCE—ASSUMPTION OF RISK—*Sims v. Lindsay et al.*, 30 *Southeastern Reporter*, page 19.—Action was brought by Carrie C. Sims against Robert Lindsay and others, in the superior court of Buncombe County, N. C., to recover damages for personal injuries sustained by her while in their employ. The plaintiff was nonsuited, upon her own evidence, and appealed the case to the supreme court of the State, which rendered its decision May 3, 1898, and reversed the judgment of the superior court.

The opinion of the supreme court was delivered by Judge Clark, and the following is quoted therefrom:

The plaintiff, who sues by her next friend, was a girl 13 years of age at the time of the injury, whose hand was mashed in the rollers of a mangle in a steam laundry, necessitating the amputation of the fingers of the hand. It was in evidence that the defendant had admitted that the accident was caused by the guard having been taken off, and that he knew it was off that morning when the girl went to work.

The girl's evidence did not prove her guilty of contributory negligence. She said she thought this machine more dangerous than a former one she had worked at, which had a guard, but that nobody had explained the machine to her, and she did not know that the guard was necessary, nor that this machine had ever had a guard, and that she had to put her fingers close up to the rollers to get the linen in. It is not to be held, as a matter of law, that operatives must decline to work at machines which may be lacking in some of the improvements or safeguards they have seen upon other machines, under penalty of losing all claim for damages from defective machinery. It is the employer, not the employee, who should be fixed with knowledge of defective appliances, and held liable for injuries resulting from their use. It is only where a machine is so grossly or clearly defective that the employee must know of the extra risk that he can be deemed to have voluntarily and knowingly assumed the risk. Where the line is to be drawn, must depend largely upon the circumstances of each case; but they must be such as to show that the employee had full knowledge of the unusual risk, and deliberately assumed it. Such a state of facts was not conclusively shown by the plaintiff's evidence in this case.

EMPLOYERS' LIABILITY—DUTY OF THE EMPLOYER—VICE PRINCIPAL—FELLOW-SERVANT—*Kansas City Car and Foundry Co. v. Sawyer*, 53 *Pacific Reporter*, page 90.—In the district court of Wyandotte County, Kans., in a suit brought against the above-named company by Reuben W. Sawyer to recover damages for injuries received by him while in its employ, a judgment was rendered for the plaintiff, Sawyer. The defendant company carried the case on writ of error before the court of appeals of the State, which rendered its decision May 4, 1898, and affirmed the judgment of the lower court. The evidence showed that Sawyer was injured by the fall of a scaffold upon which he was working; that said scaffold had been erected under the direction of one Girard, a boss carpenter in charge of the carpenter work in building the defendant's plant; that Sawyer had nothing to do in regard to the erecting of the scaffold but simply went upon it to work when ordered so to do by Girard, and that the scaffold fell on account of the breaking of a weak and defective brace.

The opinion of the court of appeals was delivered by Judge McElroy, and the syllabus of the same, which was prepared by the court, reads as follows:

It is the duty of a master to furnish its employees with a reasonably safe place at which to work, and if it delegates to another the duty of selecting material or the building of a scaffold, such delegated person becomes a vice principal, for whose acts it is responsible. A servant to whom the master intrusts the duty of selecting appliances for other servants to work with is not their fellow-servant, so as to prevent liability of the master to them for injuries caused by his negligence in performing that duty.

EMPLOYERS' LIABILITY—FELLOW-SERVANTS—*The Lisnacrievie*, 87 *Federal Reporter*, page 570.—This was a libel in rem brought against the steamship Lisnacrievie by Mattee Grassa in the United States district court for the eastern district of New York, claiming damages for injuries received while working in the hold of said vessel as a member of a stevedore's gang engaged in unloading a cargo of asphalt from said vessel. The injury was caused by the negligence of the winchman operating the engine, by means of which large tubs of asphalt were raised from the hold. The engine was a part of the equipment of the vessel and the winchman was not a member of the stevedore's gang but was employed by the shipowners, although it was his duty to answer the signals of the stevedore as to hoisting the cargo. The injury was received in the following manner: A tub, drawn partially toward, but not directly under, the open hatch, received the hook, and the signal to start and go easily was given. Instead of starting slowly, the winchman started rapidly, causing the tub to swing into the hatch, and oscillate from one side to the other in a dangerous manner, and so as to strike against the casing about the boiler, or the coamings of the

hatch, or both. The gangwayman, seeing this condition, gave a signal to stop, but the winchman did not stop, and thereupon the gangwayman gave three more shrill whistles, indicating that the winchman should stop, but the tub was drawn up through the open hatchway. While the tub was making this passage, one or more pieces of asphalt fell from it, striking the libelant, who was in the hold. The court rendered its decision May 2, 1898, finding for the libelant and allowing him damages.

District Judge Thomas delivered the opinion, and in the course of the same used the language quoted below:

It is said that the winchman, although furnished by the shipowners, was not at all under their charge or direction, but for the time was in the service of the contracting stevedore, subject to his orders, and that he thereby became a fellow-servant of the libelant, and that if, therefore, the accident happened from the negligence of the winchman, it was the negligence of a fellow-servant, for which neither the contracting stevedore nor the shipowners would be liable.

The stevedore made his contract with the charterers, and it does not appear who was to furnish engines for hoisting and men to operate the same. The claimant contends that the stevedore stated that he could not get a man to properly drive the winch, and that thereupon the ship furnished the winchman in question. The day previous to the accident, however, as the winches were otherwise in use, the ship employed a floating engine and an engineer to do the same work, and bore the expense thereof. This would seem to indicate some sense of obligation on the part of the shipowners to furnish the hoisting power. In any case, the ship did undertake to do a certain portion of the work of unloading. Such an undertaking is not merely loaning a servant to the stevedore. It is a cooperation on the part of the ship in the work of unloading the cargo, precisely to the same extent as if two independent stevedores had contracted for a division of labor in discharging the cargo, one furnishing the tackle and hoisting power and the other furnishing men and appliances for the remainder of the work. It does not change this relation that the winchman was to run his winch, or stop his winch, or graduate the speed thereof, as the stevedore's servant signaled him to do. Independent contractors and their servants are often called upon to direct and advise each other in movements and acts relating to the common work, and such often is the case between the contractor and the person with whom the contract is made. The fact that the servant of one of the parties regulates his acts by the actions of the servants of the other does not make them coservants. In the present case the winchman was a general servant of the ship. He was put in charge of the ship's machinery, to perform a duty that the ship had assumed the duty of performing. He went to his post of duty, or left the same, by no command of the stevedore, but simply because his master or his delegated agent so directed him. True, the stevedore gave him a signal, and it was his duty to obey it; but this duty sprang from no contract of hiring made by the winchman with the stevedore, but purely or wholly from the relation of master and servant that existed between the winchman and the shipowners. When the stevedore signaled him to hoist, he was at perfect liberty to disobey this order, so far as the stevedore was concerned, and the stevedore was helpless. Nay, if the stevedore had signaled him to hoist, and his

master had directed him not to hoist, is there any doubt to whom he owed and would have rendered obedience? There is no lending of a servant or subhiring of a servant in this case. The master, in effect, said to his servant: "I have undertaken to furnish the power and operators of the power to hoist the cargo from the hold. The stevedore is engaged to do the remaining work. You will take charge of the winch and operate it, cooperating, by means of signals, with the stevedore's servants." The stevedore had not selected the winchman. The shipowners chose him. The stevedore was obliged to take him or no one. The ship alone had knowledge of his competency; had alone investigated or tested it. The ship placed or retained him in charge of the winch. The stevedore could not send him to or from it. The stevedore did not pay him, and could not discharge him.

EMPLOYERS' LIABILITY—FELLOW-SERVANTS—*The Anaces*, 87 *Federal Reporter*, page 565.—Alexander McCullum filed his libel against the British steamship *Anaces* in the United States district court for the eastern district of North Carolina, claiming damages for injuries received while working in the hold of said vessel as a member of a stevedore's gang engaged in loading the ship with her cargo of cotton. Said injury was caused by the negligence of the winchman in operating the engine engaged in lowering the bales of cotton into the hold by which several bales were allowed to fall, striking McCullum and seriously injuring him. The engine was a part of the equipment of the vessel while the winchman who operated it was a member of the stevedore's gang but was placed in control of the engine by the captain of the vessel. The court rendered its decision in the case May 12, 1898, and dismissed the libel on the ground, among others, that the libel was insufficient in merely alleging negligence, for the reason that the negligent act complained of was the act of a fellow-servant and that therefore the libel should have alleged that the man operating the winch was incompetent, that his incompetency was known to the master of the vessel, or might have been known to him by the exercise of ordinary care, and that the incompetence was the proximate cause of the accident.

The opinion of the court was delivered by District Judge Purnell, and contains the following language:

The negligence complained of was that of a fellow-servant; and, in order to recover against the master for the negligent act of a fellow-servant, the employee must allege that the fellow-servant whose negligence caused the injury was incompetent, and that the master had knowledge of such incompetency, or by the exercise of reasonable care could have known of it. The winchman and libellant were fellow-servants, and the vessel is not liable unless there was some negligent act or failure of duty on the part of the owner or his legal representative. The [regular] winchman was one of the crew, but the man at the winch at the time of the injury was a common laborer, like the libellant. If he was a fellow-servant—even the master himself, or one he had

placed there—the ship would not be liable. The libelant could recover against the vessel or the owner by alleging and proving (a) that the servant operating the winch was incompetent; (b) that such incompetency was known to the master, or by the exercise of reasonable diligence might have been known to him; (c) that the incompetence—no occasional carelessness—of the servant directly contributed to was the proximate cause of, the accident. It is not sufficient to allege merely that an act was negligently done. There is no presumption of negligence, but the burden is on the libelant.

EMPLOYERS' LIABILITY—MALPRACTICE OF PHYSICIAN EMPLOYED BY RAILROAD COMPANY, ETC.—*Southern Pacific Co. v. Mauldin*, 46 *Southwestern Reporter*, page 650.—This action was brought by J. C. Mauldin against the above-named railroad company in the district court of Harris County, Tex., to recover damages for injuries received while in the employ of said company. The train on which he was engineer was derailed, said derailment being caused by an open switch, and his hip was dislocated. Being treated by an incompetent physician, furnished by the railroad company, the dislocation was diagnosed as a strain of the muscles, and when its true nature was discovered upon his being removed to the company's hospital at Houston, it was too late to reduce the dislocation and he was rendered a cripple for life. The company, while calling in a local physician for immediate treatment, was anxious to remove him to their hospital at once, but he refused to go until too late, and preferred to, and did, remain under the care of the physician first called to attend him for three weeks, when it was too late to help him. A judgment was rendered for the plaintiff in the district court on the sole ground that the defendant company was liable for the results of the incompetency of the physician it had called in to attend him. The railroad company carried the case on for error to the court of civil appeals of the State, which rendered its decision May 12, 1898, and reversed the decision of the lower court.

The opinion of the court of civil appeals was delivered by Justice Pleasants, and the syllabus of the same reads as follows:

1. A railroad company, which contracts to furnish its employees medical service in case of accident, is not liable for damages resulting to an employee by his being treated for sprained muscles instead of a dislocated hip; the servants of the company having used ordinary care in calling the physician they did at the time he was injured, and having refused to go to the company's hospital for treatment, though requested, and though it was the rule that all injured should be taken there as soon as practicable.

2. A railroad company, by retaining a portion of the monthly wages of each employee for medical services, obligates itself to furnish such services as are practicable and reasonable, to each of them, when injured.

EMPLOYERS' LIABILITY—NEGLIGENCE OF EMPLOYER—APPLICATION OF FELLOW-SERVANT RULE—*Jenson v. Great Northern Railway Co.*, 75 *Northwestern Reporter*, page 3.—This case was brought before the supreme court of Minnesota on an appeal from the district court of Ottertail County, where a judgment had been rendered in favor of the above-named railway company in a suit brought against it by one Christopher Jenson to recover damages for injuries sustained by him while in its employ. The plaintiff, Jenson, alleged that he was injured through the negligence of an incompetent servant. The supreme court rendered its decision May 3, 1898, and reversed the decision of the lower court.

The opinion was delivered by Chief Justice Start, and from the syllabus of the same, which was prepared by the court, the following is quoted:

While a servant impliedly assumes the risk of negligence by his fellow-servants, yet he does not assume any risk on account of the negligence of the master, which is unknown to him; hence the fellow-servant rule has no application to a case where the master is negligent in employing or retaining in his service a careless and incompetent servant, who by his negligence injures his coservant, who has no notice of his character.

EMPLOYERS' LIABILITY—RAILROAD COMPANIES—ASSUMPTION OF RISK BY EMPLOYEE—FELLOW-SERVANTS—*Missouri Pacific Railway Co. v. Lyons*, 75 *Northwestern Reporter*, page 31.—An action brought by Mary Lyons, administratrix of the estate of George Lyons, deceased, against the above-named railway company, to recover damages for the death of said Lyons caused by an accident while he was employed by the company, was heard in the district court of Douglas County, Nebr., and a judgment was rendered for the plaintiff. The defendant company carried the case on writ of error to the supreme court of the State, which rendered its decision April 21, 1898, and reversed the judgment of the lower court. The evidence showed that on June 11, 1893, two shifting engines and crews were at work in the yard of defendant company at Omaha, Nebr.; that Lyons, a member of one of the crews, was injured by the negligence of a member or of members of the other crew, and died from the effects of said injury soon after it was received.

The opinion of the supreme court was announced by Judges Norval and Ragan, and the syllabus of the same, prepared by the court, reads as follows:

1. Evidence examined, and held to sustain the jury's finding that the death of plaintiff's intestate was not caused by his negligence.
2. When one enters the employment of another, agreeing to serve him for a stipulated salary or wage, he thereby assumes, in the absence of an express contract to the contrary, the ordinary perils incident to that service, and included in these is the liability to injury at the hands of a negligent fellow-servant.

3. The general rule is that where a master is not guilty of negligence in the selection or retention of servants, or in furnishing them with suitable appliances for the performance of the work in which he employs them, he is not answerable to one of them for an injury caused by negligence of a fellow-servant while both are engaged in the same work in the same department of the master's business.

4. Where two switching crews are in the employ of the same railway company, subject to the control and direction of the same master, no member of either of said crews having any right of control or direction over any member of the other crew, both crews simultaneously engaged in switching the same cars from one part to another of the same switch yard, then the two crews and the members thereof are consociated in the same department of duty or line of employment, and each member of one crew is the fellow-servant of each member of the other crew.

EMPLOYERS' LIABILITY—RAILROAD COMPANIES—CONTRACT TRANSPORTATION OF EMPLOYEES—EFFECT ON RIGHTS OF EMPLOYEES—*Chamberlain v. Pierson*, 87 Federal Reporter, page 4. This action was brought by one Pierson, an express messenger in the employ of the Southern Express Co., against one Chamberlain, receiver of the South Carolina Railway Co., to recover damages for injuries sustained by him while traveling on a train of the said railway company in the performance of his duty as an employee of the said express company. One of the defenses set up by the railway company was that an agreement had been made between the railway company and the express company to the effect that all the employees of the express company who traveled on the trains of the railway company in the course of their employment as such employees should be transported at their own risk and that hence the plaintiff had no cause of action. At the trial of the case in the United States circuit court for the district of South Carolina a judgment was rendered for the plaintiff, Pierson, and the case was appealed by the receiver to the United States circuit court of appeals for the fourth circuit, which rendered its decision May 17, 1898, and affirmed the judgment of the lower court, holding that the plaintiff, having no knowledge of the agreement or contract between the companies, was not bound thereby.

The opinion of the circuit court of appeals was delivered by District Judge Paul, and the following language is quoted therefrom:

The second, third, fifth, sixth, and seventh assignments of error should be considered together. They are all made upon the theory that Pierson, the plaintiff in the court below, was bound by the contract between the railroad company and the express company; that he was on the railroad train by virtue of the contract; that by said contract he was regarded as an employee of the defendant, the railroad company; that by said contract he was accorded free transportation at his own risk. The position taken by counsel for the railroad company, and insisted upon in the instructions asked on behalf of the company, was that the plaintiff was not entitled to recover, even though the evidence showed that the injury which he suffered was caused by the negligence

of an agent of the defendant, who was not a fellow-servant of the plaintiff. The learned judge of the trial court held (what we regard as a correct announcement of the law) that, if the plaintiff was injured by reason of the negligence of the boss track minder and his gang, the railroad company was responsible to him, whether he was regarded as a passenger, or was bound by the contract between the two companies, or was an employee of the railroad company; that the boss track minder and his gang were not fellow-servants of the plaintiff, if he was to be treated as an employee of the railroad company; and that their negligence was not one of the risks he assumed, if he assumed any risks. The discussion of this feature of the case presents the question: Was the plaintiff below, as a messenger of the express company, bound by the contract between the railroad company and the express company to assume all risks to life and limb to which he was exposed in performing his duties on the train, as an express messenger? He was not a party to the contract, never ratified it, and in his testimony, when asked if he knew of this provision of the contract, "that the said parties of the first part hereby recognize as its employees all officers, agents, and servants of the second part," etc., and you were accorded free transportation at your own risk?" answered, "If I had known that, I wouldn't have gone." The authorities cited by defendant's counsel to sustain the contention that the plaintiff was bound by the contract between the railroad and the express company are based on the theory that the party affected by the contract had knowledge of its provisions, and acquiesced in its terms.

The view of the trial judge was that notwithstanding the plaintiff, under the contract between the railroad company and the express company, should be considered an employee of the railroad company, and accorded free transportation at his own risk, yet the railroad company was liable if the injury to the plaintiff was caused by the negligence of an agent of the defendant who was not a fellow-servant of the plaintiff. That the plaintiff, an express messenger, was not a fellow-servant of the track minder and those under him, is not questioned. If it be conceded, as claimed by the railroad company, that the contract between it and the express company accorded the plaintiff free transportation at his own risk, yet it is well established that such a contract will not relieve the railroad from responsibility for an injury resulting from the negligence of its agents. One of the earliest decisions of the Supreme Court on this question is *Railroad Co. v. Derby*, 14 How., 467. In this case the plaintiff below was president of another company and a stockholder in the road on which he was riding. He was on the road by invitation of the president of the company—not in the usual passenger cars, but on a small locomotive car used for the convenience of the officers of the company—and paid no fare for his transportation. The railroad company defended on the ground that no cause of action can arise to any person by reason of the occurrence of an unintentional injury while he is receiving acts of kindness which spring from mere social relations, and as there was no contract between the parties, express or implied, the law would raise no duty as between them, for the neglect of which an action can be sustained. The Supreme Court said: "The liability of the defendants below for the negligent and injurious act of their servant is not necessarily founded on any contract or privity between parties, nor affected by any social relation, or otherwise, which they bore to each other."

Railroad Co. v. Lockwood, 17 Wall., 357, is a leading case on this subject. The court there held: "(1) That a common carrier can not lawfully

stipulate for exemption from responsibility, when such exemption is not just in the eye of the law. (2) That it is not just and reasonable, in the eye of the law, for a common carrier to stipulate for exemption from responsibility for the negligence of himself or his servants. (3) That these rules apply both to carriers of goods and carriers of passengers for hire, and with a special force to the latter. (4) That a drover traveling on a pass, such as was given in this case, for the purpose of taking care of his stock on the train, is a passenger for hire."

In *Waterbury v. Railroad Co.*, 17 Fed., 671, the doctrine is thus stated (syllabus): "The right which a passenger by railway has to be carried safely does not depend on his having made a contract, but the fact of his being there creates a duty on the part of the company to carry him safely. It suffices to enable him to maintain an action for negligence if he was being carried by the railroad company voluntarily, although gratuitously, and as a matter of favor to him."

The principles recognized in the cases we have cited, and in numerous other decisions, were correctly applied by the judge who presided in the court below. The plaintiff, Pierson, as an express messenger, was rightfully on the train of the defendant, in the performance of duties which the railroad company had, by its contract with the express company, agreed that he should perform, and which, the contract states, were "for the mutual benefit and account of the parties thereto." Whatever his relation to the railroad company—whether that of a passenger or employee—he had a right to maintain an action for any injuries he suffered by reason of the negligence of the defendant company, its agents and servants. We find no error in the rulings of the court below, and the judgment of that court is affirmed.

EMPLOYERS' LIABILITY—RAILROAD COMPANIES—DUTIES OF THE EMPLOYER — DEFECTIVE APPLIANCES — NEGLIGENCE — *Bussey v. Charleston and Western Carolina Railway Company*, 30 *Southeastern Reporter*, page 177.—The plaintiff, Bussey, an employee of the above-named railway company, was injured, as he claimed, on account of the negligence of said company in furnishing unsafe appliances. He sued the company for damages, and on trial in the common pleas circuit court of Edgefield County, S. C., a judgment was rendered in his favor. The railway company appealed the case to the supreme court of the State, which rendered its decision June 29, 1898, and affirmed the judgment of the lower court.

Several interesting points of law as laid down by the court in its decision are given below in the language used by Judge Gary, who delivered the opinion of the court:

The third exception imputes error as follows, to wit: "(3) In charging the jury, at one portion of his charge, in connection with the defendant's ninth request, as follows: 'That the plaintiff was in the employ of this railroad company for certain purposes, and he must exercise, as any prudent man must, his faculties for ascertaining and determining whether there is danger, and whether it is necessary—whether he is required by the obligation of his contract—to incur that danger; and, if he is not so required, if the jury are satisfied that he is not required

to incur the danger, and still, in disregard either of his own knowledge of the danger or the warning of others, he still remains in the place of danger, then that constitutes negligence on his part; and so I charge you that proposition.' And at another time in charging, as requested by the plaintiff, as follows: 'The law places the duty on the master, and not on the servant, to exercise due care and diligence to ascertain whether the appliances furnished are safe and suitable. And a servant has the right to assume, without inquiry or without examination, that the appliances furnished him are safe and suitable.' The effect of these conflicting instructions being to leave the jury in doubt, and uninstructed, as to whether the plaintiff, under the circumstances of this case, was bound to exercise any care in determining whether it would be safe for him to act as he did at the time of the accident."

It will be observed that the only error of which this exception complains is that the effect of the two instructions was to leave the jury in doubt, and uninstructed, as to whether the plaintiff was bound to exercise any care in determining whether it was safe for him to act as he did at the time of the accident. When the language contained in the first quotation set forth in the exception is analyzed, it will be seen (1) that the plaintiff was required to exercise ordinary care in determining whether there was danger; (2) that he was required to exercise ordinary care in determining whether it was necessary, under the obligations of his contract, to incur that danger; and (3) that if, in disregard either of his own knowledge of the danger, or the warning of others, he still remained in the place of danger, then that would constitute negligence on his part. Not only did the presiding judge charge the jury as to the care which the plaintiff was bound to exercise under the circumstances, but he charged the law too favorably to the defendant. It is the duty of the master to provide suitable machinery and appliances, and to keep them in proper repair. The employee has the right to assume that the master has discharged his duty in this respect, and is not bound to exercise care in ascertaining whether the master has so acted. When, however, the employee has knowledge or receives warning that the master has not furnished suitable machinery, or that it has not been kept in proper repair, so that it has become dangerous, and he continues to use the same after such knowledge or warning, then it is a question to be determined by the jury whether, under the circumstances, the employee failed to exercise ordinary care and prudence, and was thereby guilty of negligence. The circuit judge is only allowed to charge that there is negligence on the part of the employee when but one inference can be drawn from the conduct of the employee. In all other cases the question of negligence is to be determined by the jury. In this case more than one inference could reasonably be drawn from the testimony, and the presiding judge charged too favorably to the defendant, in saying that the facts mentioned in the exception, if found to be true, would constitute negligence. Inferences to be drawn from the facts are ordinarily for the consideration of the jury. The instructions mentioned in the exceptions relate to distinct principles, and are not inconsistent.

The sixth exception alleges error as follows: "(6) In charging the jury as follows: 'While it is true that a servant who enters the employment of another assumes the ordinary risks of business, this would not include the risks of working with unsafe appliances; for the master is bound to supply his servants with sound and safe appliances, and to keep the same in sound and safe condition;' thus instructing the jury, in effect, that the master was bound in law to guaranty the soundness

and safety of all machinery he furnishes his employees. And this instruction to the jury, defendant submits, is further erroneous in that it did not take into consideration latent defects in machinery, but was calculated to lead the jury to believe that so far as any defects in machinery are concerned, whether patent or latent, an employee takes no risk with reference thereto." The charge stated in general terms a correct proposition of law, and, if the defendant desired that the presiding judge should have charged more specifically, it had the right to present requests to that effect. Furthermore, when this part of the charge is considered in connection with the other parts of the charge it will be seen that the presiding judge did not, in effect, instruct the jury that the master was bound in law to guaranty the soundness and safety of the machinery furnished an employee.

The seventh exception complains of error as follows: "(7) In charging the jury, as requested in the ninth request, that the constitution of 1895 enlarged the rights of the employees of railroad companies to recover for injuries, as therein stated, and in defining such request to the jury as he did." The ninth request is as follows: "(9) That the constitution of this State of 1895 has enlarged the rights of an employee of a railroad corporation as to his remedies for any injury suffered by him from the acts or omissions of said corporation or its employees, and he now has the same right to recover for an injury as other persons not employees have, when the injury results from negligence of a superior agent or officer of the corporation, or of a person having a right to control or direct the services of a party injured; and if the jury find from the evidence that the plaintiff was injured while in the service of the defendant, and that at such time he was working under the direction of a servant of the defendant who had the right to control or direct the services of the plaintiff, and that the injury to the plaintiff resulted from the negligence of such servant of the defendant, then the plaintiff would be entitled to recover." His honor said: "I charge you that. It means that if the negligence of this superintendent, and his agents, of this railway company caused the injury, that was negligence of the railway company itself. The principal is liable for the negligence of his agent in the course of his employment." Waiving the objection to the exception on the ground that it is too general for consideration, we see no error in the ruling of the presiding judge.

The eighth exception alleges error as follows: "(8) In charging as requested in the tenth request, and thus making it obligatory on the jury to include the matters therein mentioned, in assessing plaintiff's damage." The tenth request is as follows: "(10) If the jury find for the plaintiff, then he would be entitled to recover for all actual damages which he has sustained, and this would include loss of time, nurses, as well as for bodily pain and anguish of mind induced by the hurt, and all damages, present and prospective, which are naturally the proximate consequences of the act done and the injuries received, not only present loss, or that which has already occurred, from the incapacity of the injured party to attend to his ordinary pursuits, and expenses which he has incurred for other necessary outlays, but as only one action can be brought, and only one recovery had, it is proper to include in the estimate of damages compensation for whatever it may be reasonably certain will result from future incapacity in consequence of his injury. So, also, his loss of capacity for work or attention to his ordinary business must be included, whether it be physical or mental, present or prospective." Waiving the objection to this exception on the ground that it is too general, we see no error in the ch'

EMPLOYERS' LIABILITY—RAILROAD COMPANIES—VIOLATION OF RULES—VICE PRINCIPALS—*Louisville, New Albany and Chicago Railway Co. v. Heck*, 59 *Northeastern Reporter*, page 988.—This action was brought by Abraham V. Heck, administrator of one Aaron Heck, deceased, against the above-named railway company, to recover damages for injuries resulting in the death of said deceased incurred while he was in the employ of said company. The evidence showed that Aaron Heck was the fireman of a pile driver carried about on one of the cars of a work train; that said train was run into by another, an extra freight, and he was so injured that he died, and that the cause of the accident was due to the negligence of a train dispatcher in sending orders to the trains and not complying with some of the rules of the company. After a trial in the circuit court of Carroll County, Ind., a judgment was rendered for the plaintiff and the defendant company appealed to the supreme court of the State, which rendered its decision June 17, 1898, and affirmed the judgment of the lower court.

The opinion of the supreme court was delivered by Judge McCabe, and the following, quoted therefrom, shows the most interesting part of the decision:

The system of rules adopted by a master for the conduct of a complicated business, such as operating a railroad, and when brought to the knowledge of the employee, form a part of the contract of hiring, and become binding on both master and servant. The violation thereof, to the injury of the servant by the master, is as much an act of negligence as if the servant violates them. Here one of appellant's own regulations wisely provided that, "when an order has been given to work between designated points, no other extra must be authorized to run over that part of the track without provision for passing the work train." But an order was given by the appellant to the extra freight, in violation of this provision, to run over the working limits designated in the order to the work train, without any provision for passing the work train. But it may be insisted that the appellant did not know, at the time the order to the work train was given in the morning, that the necessity of sending out the extra freight in the afternoon would arise. If that be so, then another provision of appellant's regulations provided for such a contingency, as follows: "When the movement of an extra train over the working limits can not be anticipated by these or other orders to the work train, an order must be given to such extra to protect itself against the work train in the following form: (e) Extra 76 will protect itself against work train extra 95 between Lyons and Paris." But it is not claimed or pretended that this order was complied with. On the contrary, it clearly appears that both of these regulations were violated in sending out the extra freight. Another regulation applicable to the conditions shown to exist by the verdict requires that, "when an extra receives orders to run over working limits, it must be advised that the work train is within those limits by adding to example 'a' the words: '(g) Engine 292 is working as an extra between Berne and Turin.' A train receiving this order must run expecting to find the work train within the limits named." This regulation was left totally uncomplied with, and was violated by the appel-

lant in sending out the extra freight. These several violations of its own rules, established by appellant presumably for the security and safety of its employees, as well as the protection of its own property, was negligence on appellant's part and was a proximate cause of and without which the collision and death resulting therefrom would not have occurred.

The question still remains whether the negligent act of the train dispatcher in sending out the extra freight with a wrong order, and without a proper order, was the act of the superintendent. If the attempt here was to hold the superintendent personally liable for the negligence of the train dispatcher, we should have a very different question. But that is not the case. It is sought to hold the master liable because, by its rules, it made the train dispatcher's act the act and order of its superintendent or vice principal. By those rules it gave such act all the force, vigor, and effect as to its employees as if the train dispatcher's act was actually the act of its superintendent. Under such circumstances, it would hardly seem consistent for the master to turn around after such act brings fatal consequences, and say to the same employees that "the acts of the train dispatcher were not in fact the acts of the superintendent, though my rules said they were." But assuming, as appellants' learned counsel do, that the train dispatcher's acts were not those of the division superintendent, it does not follow, as they contend, that the negligence of the train dispatcher was the negligence of a fellow-servant with the decedent, thereby defeating a recovery. As was said in *Railway Co. v. Snyder*, 140 Ind., at page 653, 39 N. E., 914: "Where the duty is one owing by the master, and he intrusts it to the performance of a servant or agent, the negligence of such servant or agent is the negligence of the master. As the master is charged with the duty of providing safe and suitable appliances, if he intrusts such duty to an employee, such employee becomes a vice principal, and his negligence in such matter is the negligence of the master. The rule which absolves the master from liability on account of the negligence of a fellow-servant has no application."

If there are any duties devolving upon a railroad employee, servant, or agent, from the president down, more sacredly and imperatively due from employer to employees than others, we can think of none more imperative or more sacred than the duty to so order the running of trains in a complicated system of freight and passenger transportation both ways over a single track railroad, as was the case here, with numerous extra trains, as that collisions between opposing trains, entailing such fearful loss of life, limb, and property, may be avoided. No duty that the company can owe to its servants can be higher or more imperative than this; and this was the duty and power that the appellant had delegated to its train dispatcher to do and perform in the name of its superintendent. Whether the failure to properly discharge this duty was the negligence of the train dispatcher or superintendent can make no difference, because in either case it was a duty the master owed, and hence the failure and neglect was the master's failure and neglect, to the injury of its servant.

We are safe in saying that the overwhelming weight of judicial opinion is that a train dispatcher, charged with the duties and clothed with the powers that the one now in question was, is not a fellow-servant with trainmen in the employ of the railroad company, but is a vice principal, for whose negligence the company is liable. And, that being in harmony with principles of law long established in this court, we are

of opinion that the train dispatcher in this case being charged with the performance of duties the master owed to its other servants, its trainmen, he was not a fellow-servant with them, but acted for and in the place of the appellant company, and was a vice principal. The judgment is affirmed.

LAWS OF VARIOUS STATES RELATING TO LABOR ENACTED SINCE JANUARY 1, 1896.

[The Second Special Report of the Department contains all laws of the various States and Territories and of the United States relating to labor in force January 1, 1896. Later enactments are reproduced in successive issues of the Bulletin from time to time as published.]

MASSACHUSETTS.

ACTS OF 1898.

CHAPTER 150.—*Factories and workshops—Tenement houses—Sweating system.*

SECTION 1. Section forty-four of chapter five hundred and eight of the acts of the year eighteen hundred and ninety-four is hereby amended by striking out the whole of said section and inserting in place thereof the following:

SECTION 44. No room or apartment in any tenement or dwelling house shall be used for the purpose of making, altering, repairing or finishing therein any coats, vests, trousers or wearing apparel of any description whatsoever, except by the members of the family dwelling therein, and any family desiring to do the work of making, altering, repairing or finishing any coats, vests, trousers or wearing apparel of any description whatsoever in any room or apartment in any tenement or dwelling house shall first procure a license, approved by the chief of the district police, to do such work as aforesaid. A license may be applied for by and issued to any one member of any family desiring to do such work. No person, partnership or corporation, shall hire, employ or contract with any member of a family not holding a license therefor, to make, alter, repair or finish any garments or articles of wearing apparel as aforesaid, in any room or apartment in any tenement or dwelling house as aforesaid. Every room or apartment in which any garments or articles of wearing apparel are made, altered, repaired or finished, shall be kept in a cleanly condition and shall be subject to the inspection and examination of the inspectors of the district police, for the purpose of ascertaining whether said garments or articles of wearing apparel or any part or parts thereof are clean and free from vermin and every matter of an infectious or contagious nature. A room or apartment in any tenement or dwelling house which is not used for living or sleeping purposes, and which is not connected with any room or apartment used for living or sleeping purposes, and which has a separate and distinct entrance from the outside, shall not be subject to the provisions of this act. Nor shall anything in this act be so construed as to prevent the employment of a tailor or seamstress by any person or family for the making of wearing apparel for such person's or family's use.

SEC. 2. Section forty-five of said chapter is hereby amended by striking out the whole of said section and inserting in place thereof the following:

SECTION 45. If said inspector finds evidence of infectious disease present in any workshop or in any room or apartment in any tenement or dwelling house in which any garments or articles of wearing apparel are made, altered or repaired, or in goods manufactured or in the process of manufacture therein, he shall report the same to the chief of the district police, who shall then notify the local board of health to examine said workshop or any room or apartment in any tenement or dwelling house in which any garments or articles of wearing apparel are made, altered or repaired, and the materials used therein; and if said board shall find said workshop or tenement or dwelling house in an unhealthy condition, or the clothing and materials used therein unfit for use, said board shall issue such order or orders as the public safety may require.

SEC. 3. Section forty-seven of said chapter is hereby amended by striking out the whole of said section and inserting in place thereof the following:

SECTION 47. Whoever sells or exposes for sale any coats, vests, trousers or any wearing apparel of any description whatsoever which have been made in a tenement or dwelling house in which the family dwelling therein has not procured a license, as specified in section forty-four of this act, shall have affixed to each of said garments a tag or label not less than two inches in length and one inch in width, upon which shall be legibly printed or written the words "tenement made," and the name of the State and the town or city where said garment or garments were made.

SEC. 4. All acts or parts of acts inconsistent herewith are hereby repealed.

Approved March 9, 1898.

CHAPTER 230.—*Relief of destitute shipwrecked seamen.*

SECTION 1. A city or town may furnish transportation to destitute shipwrecked seamen from one place to another in this Commonwealth, and such other assistance as the authorities of such city or town deem necessary, not exceeding the amount of ten dollars for each person, while awaiting such transportation. A detailed statement of expenses so incurred shall be rendered, and, after approval by the State board of lunacy and charity, such expenses shall be paid out of the treasury of the Commonwealth from the appropriation for the temporary support of State paupers, without reference to such seamen's legal settlement.

SEC. 2. This act shall take effect upon its passage.

Approved March 25, 1898.

CHAPTER 307.—*Convict labor—Reformatory.*

SECTION 1. Section thirty-two of chapter two hundred and fifty-five of the acts of the year eighteen hundred and eighty-four is hereby amended by striking out in the third and fourth lines, after the word "Commonwealth," the words "in the town of Concord," and by striking out the word "land," in the fourth line, and inserting in place thereof the words "lands or buildings," so as to read as follows: SECTION 32. Prisoners confined in said reformatory may be employed, in the custody of an officer, upon any lands or buildings owned by the Commonwealth, and whoever escapes from said lands or buildings shall be deemed to have escaped from said reformatory.

SEC. 2. This act shall take effect upon its passage.

Approved April 12, 1898.

CHAPTER 334.—*Convict labor.*

SECTION 1. It shall be the duty of the general superintendent of prisons to cause to be produced, as far as possible, in the State prison, the reformatories, the State farm, and the jails and houses of correction, articles and materials used in the several public institutions of the Commonwealth and of the counties thereof.

SEC. 2. The principal officers of the penal institutions named herein shall send to the general superintendent, at such times and in such form as he shall prescribe, full reports concerning the labor of prisoners: and he shall from time to time send to the principal officers of all the public institutions named in section one a list of such articles and materials as can be produced by the labor of prisoners, together with a form of requisition for the use of such officers, as hereinafter provided.

SEC. 3. Whenever articles or materials included in said list are needed in any one of said public institutions the principal officer thereof shall make requisition therefor upon said general superintendent, who shall immediately notify said officer as to all the prisons where the required goods are produced; and said officer shall then purchase said goods from such of the designated places as he shall select: *Provided*, That if the articles or materials are not on hand and are needed for immediate use the said general superintendent shall at once certify to said principal officer that the requisition can not be filled; and in that case said articles or materials may be purchased elsewhere.

SEC. 4. The said general superintendent shall also furnish said list to the auditor of the Commonwealth and to the auditing and disbursing officers of each county. No bill for articles or materials named in said list, purchased otherwise than from a prison, shall be allowed or paid unless it is accompanied by a certificate from said general superintendent that they could not be supplied upon requisition as aforesaid.

SEC. 5. The auditor of the Commonwealth, the controller of county accounts, and the general superintendent of prisons, shall constitute a board to determine the price of all articles or materials manufactured and sold under this act. The prices shall be uniform and shall conform as nearly as may be to the usual market price of like goods manufactured in other places. The actual and necessary expenses incurred by the members of said board in the performance of their duties under this act shall be allowed and paid to them out of the appropriation for incidental and contingent expenses of the general superintendent of prisons, but they shall receive no compensation for their services hereunder.

SEC. 6. The said general superintendent may expend not exceeding eight hundred dollars, in addition to the sum now authorized, for clerical assistance and other expenses in carrying out the provisions of this act.

Approved April 14, 1898.

CHAPTER 365.—*Convict labor.*

SECTION 1. The general superintendent of prisons may cause the prisoners in any jail or house of correction to be employed within the precincts of the prison in pre-

paring material for road making; but no machine operated otherwise than by hand or foot power shall be used in connection with such employment.

SEC. 2. Upon the request of said general superintendent the Massachusetts highway commission shall give to him such information and instructions as will enable him to direct said employment in a manner that will furnish material suitable for road building.

SEC. 3. Any material prepared as herein authorized may be sold to county commissioners or to city and town officers having the care of public roads; and all material not thus sold shall be purchased by said Massachusetts highway commission, at such price as they shall decide to be fair and reasonable, for use on State highways: *Provided, however,* That the general superintendent of prisons may employ any of said prisoners to be employed upon material furnished by said highway commission, who shall then pay for the labor of preparation such price as may be agreed upon by said superintendent and said commission.

SEC. 4. The expenses of employing prisoners under this act shall be paid from county treasury, in the same manner as expenses of maintaining industries in jails and houses of correction are now paid. Payment for material sold or for labor performed hereunder shall be made to the principal officer of the prison where material is prepared: and all moneys received under this act shall be paid into county treasury in the manner now provided by law in respect to other receipts from the labor of prisoners.

SEC. 5. This act shall take effect upon its passage.

Approved April 22, 1898.

CHAPTER 367.—*Half holidays for public employees.*

SECTION 1. The city council of a city and the board of selectmen of a town, in their discretion, provide that the employees of such city or town shall be allowed one half holiday in each week, without loss of pay, during such portions of the year as said city council or selectmen may determine.

SEC. 2. The heads of departments of the Commonwealth shall have the same power in respect to granting a half holiday to persons employed in their respective departments which is conferred by this act upon city councils and selectmen; and the commissioners of each county shall have the same power in respect to county employees.

SEC. 3. The term "employees," as used in this act, shall include laborers, mechanics, and all other classes of workmen.

SEC. 4. This act shall take effect upon its passage.

Approved April 22, 1898.

CHAPTER 393.—*Convict labor.*

SECTION 1. The governor and council may purchase or otherwise take in fee simple parcel of waste and unused land, not exceeding one thousand acres in area, for the purpose of reclaiming, improving and disposing of said land for the benefit of the Commonwealth.

SEC. 4. As soon as may be after any land is taken as aforesaid the general superintendent of prisons, with the approval of the governor and council, shall cause to be erected on said land iron buildings of cheap construction, suitable for the accommodation of not exceeding one hundred prisoners.

SEC. 5. When the said buildings are ready for occupancy the governor may, by his proclamation establishing on said land a temporary industrial camp for prisoners; * * *

SEC. 7. When said camp is established and organized as aforesaid the commissioners of prisons may remove prisoners thereto from the jails and houses of correction in the same manner that such prisoners are now removed to the State farm; * * *

SEC. 8. Prisoners held at said camp shall be employed in reclaiming and improving said land and in preparing by hand labor material for road building. * * *

SEC. 10. Any land reclaimed or improved as aforesaid may be devoted to the use of the Commonwealth, or it may be disposed of by the governor and council by public or private sale. Any road material prepared as aforesaid may be sold by the superintendent of said camp, with the approval of the general superintendent of prisons, to the authorities of the Commonwealth or of any county, city or town.

SEC. 11. This act shall take effect upon its passage.

Approved April 29, 1898.

CHAPTER 402.—*Investigation of Sunday labor by bureau of statistics of labor.*

SECTION 1. The bureau of statistics of labor is hereby directed to investigate the subject of Sunday labor in this Commonwealth, with respect to the number of persons employed, the conditions of employment, and other facts relating thereto.

SEC. 2. The said bureau shall incorporate in its annual report to the legislature the results of the investigation authorized by this act, and the sum of three thousand dollars shall be paid out of the treasury of the Commonwealth for the purpose of carrying out the provisions of this act, to be expended under the direction of the chief of said bureau.

SEC. 3. This act shall take effect upon its passage.

Approved May 10, 1898.

CHAPTER 481.—*Payment of wages.*

SECTION 1. Section one of chapter four hundred and thirty-eight of the acts of the year eighteen hundred and ninety-five, as amended by chapter three hundred and thirty-four of the acts of the year eighteen hundred and ninety-six, is hereby amended by striking out the words "and having more than twenty-five employees," in the seventh and eighth lines, so as to read as follows: SECTION 1. Sections fifty-one to fifty-four, inclusive, of chapter five hundred and eight of the acts of the year eighteen hundred and ninety-four, relative to the weekly payment of wages by corporations, shall apply to all contractors and to any person or partnership engaged in this Commonwealth in any manufacturing business. And the word "corporation," as used in said sections, shall include such contractors, persons and partnerships.

SECTION 2. This act shall take effect upon its passage.

Approved June 1, 1898.

CHAPTER 494.—*Employment of children.*

SECTION 1. No child under fourteen years of age shall be employed in any factory, workshop or mercantile establishment. No such child shall be employed in any work performed for wages or other compensation, to whomsoever payable, during the hours when the public schools of the town or city in which he resides are in session, nor be employed at any work before the hour of six o'clock in the morning or after the hour of seven o'clock in the evening.

SEC. 2. No child under sixteen years of age shall be employed in any factory, workshop or mercantile establishment unless the person or corporation employing him procures and keeps on file and accessible to the truant officers of the town or city, and to the district police and inspectors of factories, an age and schooling certificate as hereinafter prescribed, and keeps two complete lists of all such children employed therein, one on file and one conspicuously posted near the principal entrance of the building in which such children are employed, and also keeps on file a complete list, and sends to the superintendent of schools, or, where there is no superintendent, to the school committee, the names of all minors employed therein who can not read at sight and write legibly simple sentences in the English language.

SEC. 3. An age and schooling certificate shall be approved only by the superintendent of schools or by a person authorized by him in writing, or, where there is no superintendent of schools, by a person authorized by the school committee: *Provided*, That no member of a school committee or other person authorized as aforesaid shall have authority to approve such certificate for any child then in or about to enter his own employment, or the employment of a firm or corporation of which he is a member, officer or employee. The person approving the certificate shall have authority to administer the oath provided for therein, but no fee shall be charged therefor.

SEC. 4. An age and schooling certificate shall not be approved unless satisfactory evidence is furnished by the last school census, the certificate of birth or baptism of such child, the register of birth of such child with a town or city clerk, or in some other manner, that such child is of the age stated in the certificate.

SEC. 5. The age and schooling certificate of a child under sixteen years of age shall not be approved and signed until he presents to the person authorized to approve and sign the same an employment ticket as hereinafter prescribed, duly filled out and signed. A duplicate of each age and schooling certificate shall be filled out and shall be kept on file by the school committee. Any explanatory matter may be printed with such certificate in the discretion of the school committee or superintendent of schools. The employment ticket and the age and schooling certificate shall be separately printed, and shall be filled out, signed, and held or surrendered, as indicated in the following forms:

EMPLOYMENT TICKET, LAWS OF 1898.

When [name of child] , height [feet and inches] , complexion [fair or dark] , hair [color] , presents an age and schooling certificate duly signed.
I intend to employ [him or her] .
(Signature of intending employer or agent.)
(Town or city and date.)

AGE AND SCHOOLING CERTIFICATE, LAWS OF 1898.

This certifies that I am the [father, mother, guardian or custodian] of [name of child], and that [he or she] was born at [name of town or city] in the county of [name of county, if known], and State [or country] of [name of State or country], on the [day and year of birth], and is now [number of years and months] old.

(Signature of father, mother, guardian or custodian)

Town or city and date.)

Then, personally appeared before me the above-named [name of person signing], and made oath that the foregoing certificate by [him or her] signed is true to the best of [his or her] knowledge and belief. I hereby approve the foregoing certificate of [name of child], height [feet and inches], [color of skin, hair or dark], hair [color], having no sufficient reason to doubt that [he or she] is of the age therein certified. I hereby certify that [he or she] can not read at sight and [can or can not] write legibly simple sentences in the English language.

This certificate belongs to [name of child in whose behalf it is drawn], and shall be surrendered to [him or her] whenever [he or she] leaves the service of the corporation or employer holding the same; but if not claimed by said child within thirty days from such time it shall be returned to the superintendent of schools, or where there is no superintendent of schools, to the school committee. Signature of person authorized to approve and sign, with official character or authority.

Town or city and date.)

In the case of a child who can not read at sight and write legibly simple sentences in the English language the certificate shall continue as follows, after the word "language":

I hereby certify that [he or she] is regularly attending the [name] public evening school. This certificate shall continue in force only so long as the regular attendance of said child at the evening school is indorsed weekly by a teacher thereof.

SEC. 6. Whoever employs a child under sixteen years of age, and whoever having under his control a child under such age permits such child to be employed, in violation of section one or two of this act, shall for such offense be fined not more than fifty dollars; and whoever continues to employ any child in violation of either of said sections of this act after being notified by a truant officer or an inspector of factories thereof, shall for every day thereafter that such employment continues be fined not less than five nor more than twenty dollars. A failure to produce to a truant officer or inspector of factories any age or schooling certificate or list required by this act shall be prima facie evidence of the illegal employment of any person whose age and schooling certificate is not produced or whose name is not so listed. Any corporation or employer retaining any age and schooling certificate in violation of section five of this act shall be fined ten dollars. Every person authorized to sign the certificate prescribed by section five of this act who knowingly certifies to any materially false statement therein shall be fined not more than fifty dollars.

SEC. 7. No person shall employ any minor over fourteen years of age, and no parent, guardian or custodian shall permit to be employed any such minor under his control, who can not read at sight and write legibly simple sentences in the English language, while a public evening school is maintained in the town or city in which such minor resides, unless such minor is a regular attendant at such evening school or at a day school: *Provided*, That upon presentation by such minor of a certificate signed by a regular practicing physician, and satisfactory to the superintendent of schools, or, where there is no superintendent of schools, the school committee, showing that the physical condition of such minor would render such attendance in addition to daily labor prejudicial to his health, said superintendent of schools or school committee shall issue a permit authorizing the employment of such minor for such period as said superintendent of schools or school committee may determine. Said superintendent of schools or school committee, or teachers acting under authority thereof, may excuse any absence from such evening school arising from justifiable cause. Any person who employs a minor in violation of the provisions of this section shall forfeit for each offense not more than one hundred dollars for the use of the evening schools of such town or city. Any parent, guardian or custodian who permits to be employed any minor under his control in violation of the provisions of this section shall forfeit not more than twenty dollars for the use of the evening schools of such town or city.

SEC. 8. Truant officers may visit the factories, workshops and mercantile establishments in their several towns and cities and ascertain whether any minors are employed therein contrary to the provisions of this act, and they shall report any

cases of such illegal employment to the school committee and to the chief of the district police, or to the inspector of factories for the district. Inspectors of factories and truant officers may require that the age and schooling certificates and lists provided for in this act, of minors employed in such factories, workshops or mercantile establishments, shall be produced for their inspection. Complaints for offenses under this act shall be brought by inspectors of factories.

SEC. 9. Sections thirteen, fourteen, sixteen to twenty-five inclusive, sixty-seven, sixty-nine and seventy of chapter five hundred and eight of the acts of the year eighteen hundred and ninety-four, and all other acts and parts of acts inconsistent herewith, are hereby repealed.

SEC. 10. This act shall take effect on the first day of September in the year eighteen hundred and ninety-eight.

Approved June 2, 1898.

CHAPTER 496.—Manual training in public schools, and penalty for employing children unlawfully absent from school.

SECTION 1. * * * Manual training * * * may be taught in the public schools.

SEC. 4. Every town and city of twenty thousand or more inhabitants shall maintain as part of both its elementary and its high school system the teaching of manual training.

SEC. 31. * * * Any person who * * * employs * * * while school is in session any child absent unlawfully from school, shall forfeit and pay a fine of not more than fifty dollars.

SEC. 36. * * * Sections one * * * of chapter forty-four * * * of the Public Statutes; * * * chapter four hundred and seventy-one, and sections one * * * of chapter four hundred and ninety-eight of the acts of the year eighteen hundred and ninety-four; * * * are hereby repealed.

SEC. 37. This act shall take effect on the first day of September in the year eighteen hundred and ninety-eight.

Approved June 2, 1898.

CHAPTER 505.—Deductions in wages of women and children prohibited.

SECTION 1. No deductions shall be made in the wages of women and minors who are paid by the day or hour, employed in manufacturing or mechanical establishments, for time during which the machinery is stopped, if said women and minors were refused the privilege of leaving the mill while the damage to said machinery was being repaired; and none of the employees referred to in this section shall be compelled to make up time lost through the breaking down of machinery unless said employees are compensated at their regular rates of wages: *Provided*, That said employees have been detained within their workrooms during the time of such break down.

SEC. 2. Any person, corporation, officer or agent who violates the provisions of this act shall be punished by fine not exceeding twenty dollars for each offense.

Approved June 6, 1898.

CHAPTER 548.—Protection of employees as voters—Time to vote to be allowed.

SECTION 5. No person entitled to vote at a State election shall, upon the day of any such election, be employed in any manufacturing, mechanical or mercantile establishment, except such as may lawfully conduct its business on Sunday, during the period of two hours after the opening of the polls in the voting precinct or town in which he is entitled to vote, if he shall make application for leave of absence during such period.

SEC. 409. An owner, superintendent or overseer in any manufacturing, mechanical or mercantile establishment, except such as may lawfully conduct its business on Sunday, who employs or permits to be employed therein any person entitled to vote at a State election, during the period of two hours after the opening of the polls in the voting precinct or town in which such person is entitled to vote if he shall make application for leave of absence during such period, shall be punished by fine not exceeding one hundred dollars.

SEC. 410. Whoever, by threatening to discharge a person from his employment or to reduce his wages, or by promising to give him employment at higher wages, attempts to influence a voter to give or to withhold his vote at an election, or whoever, because of the giving or withholding of a vote at an election, discharges a person from his employment or reduces his wages, shall be punished by imprisonment in jail not exceeding one year.

SEC. 4. In the case of any loan to which the provisions of this act apply, a sum not exceeding two dollars if the loan does not exceed twenty-five dollars, not exceeding ten dollars if the loan exceeds one hundred dollars, not exceeding three dollars if the loan exceeds twenty-five dollars but does not exceed fifty dollars, and not exceeding five dollars if the loan exceeds fifty dollars but does not exceed one hundred dollars, may, if both parties to the loan so agree, be paid by the borrower or borrowers or added to the debt, and taken by the lender as the expense of making and securing the loan, and such sum shall not be counted as part of the interest of such loan. No greater sum than as above specified shall be taken for such purpose, and any sum paid, promised or taken in excess of such sum shall be deemed to be taken as interest and shall be so considered for the purposes of this act.

SEC. 5. The board of officers granting licenses in any city or town as provided in this act shall from time to time establish such rules and regulations with reference to the business carried on by the parties so licensed and the rate of interest to be charged by them as shall seem to said board to be necessary and proper. Said board in fixing said rate shall have due regard to the amount of the loan and the time for which it is made; and no person or party so licensed shall hereafter charge or receive upon any loan a greater rate of interest than that fixed by the board by which his license was issued.

SEC. 6. When any greater rate of interest or amount for expenses than is allowed under the provisions of this act has been paid upon any loan to which the provisions of this act apply the party paying the same may either by an action of contract or suit in equity recover back the amount of the unlawful interest with twice the legal costs, and no more, provided that the action or suit for the recovery of unlawful interest or expenses shall be brought within two years from the time of payment.

SEC. 7. In case any loan to which the provisions of this act apply is secured by mortgage or pledge of personal property or by an assignment of wages the mortgage shall be discharged, the pledge restored, or the assignment released, upon payment or tender of the sum legally due under the provisions of this act, and such payment or tender may be made by the debtor, by any person duly authorized by him, or by any person having an interest in the property mortgaged or pledged or in the wages assigned. Whoever refuses or neglects, after request, to discharge a mortgage, release an assignment, or restore a pledge to the party entitled to receive the same, after payment of the debt secured thereby or the tender of the amount due thereon as aforesaid, shall be liable in an action of tort to the borrower or borrowers for all damages thereby resulting to him or them.

SEC. 8. No mortgage or pledge of personal property or assignment of wages to which the provisions of this act apply shall be valid unless it states, with substantial accuracy, the actual amount of the loan, the time for which the loan is made, the rate of interest to be paid, and the expense for making and securing the loan; nor unless it contains a provision that the debtor shall be notified, in the manner provided in section seven of chapter one hundred and ninety-two of the Public Statutes, of the time and place of any sale to be made in foreclosure proceedings at least seven days before such sale. And no notice of intention to foreclose under sections seven or ten of said chapter shall be valid in such case, unless it expressly states where such notice is to be recorded and that the right of redemption will be foreclosed sixty days after such recording. At any time after twenty days from the date of any such mortgage if the same has not been recorded the holder thereof shall forthwith on demand and payment or tender of one dollar, give to the mortgager, or any person interested in the mortgaged property, a copy of the mortgage and note or obligation secured thereby, which such holder or holders shall certify to be a true copy thereof.

SEC. 9. Whenever any payment is made on account of any loan to which the provisions of this act apply the person receiving the payment or his principal shall, when the payment is taken, give the person paying, a receipt setting forth the amount then paid and the amount previously paid, and identifying the loan, note, mortgage or assignment to which it is to be applied.

SEC. 10. Any person or persons not being duly licensed as provided in this act who, on his or their own account, or on account of any other person or persons, copartnership or corporation not so licensed, shall engage in or carry on, directly or indirectly, either separately or in connection with or as part of any other business, the business of making loans to which the provisions of this act apply, shall be punished by a fine of not more than three hundred dollars, or by imprisonment in the house of correction not more than sixty days, or by both such fine and imprisonment.

SEC. 11. Chapter three hundred and eighty-eight of the acts of the year eighteen hundred and eighty-eight and chapter four hundred and twenty-eight of the acts of the year eighteen hundred and ninety-two, shall not apply to any loan of less than two hundred dollars made by any person holding a license under this act, nor shall this act affect any right of action which has accrued under either of said acts prior to the passage of this act. Nothing in this act shall be construed to apply to licensed

pawnbrokers, or to repeal or affect section thirty-four of chapter one hundred and two, or section six of chapter one hundred and ninety-two of the Public Statutes, chapter four hundred and ninety-seven of the acts of the year eighteen hundred and ninety-five, chapter one hundred and eighty-three of the acts of the year eighteen hundred and ninety-six, or so much of section three of chapter seventy-seven of the Public Statutes as provides that when there is no agreement for a different rate the interest of money shall be at the rate of six dollars upon each hundred dollars for a year.

SEC. 12. This act shall take effect on the first day of September in the year eighteen hundred and ninety-eight.

Approved June 23, 1898.

RESOLVES—CHAPTER 78.—*Bureau of statistics of labor—Investigation of labor and cooperative insurance.*

Resolved, That the bureau of statistics of labor is hereby instructed to make an investigation into the subject-matter of labor and cooperative insurance and profit sharing, whereby provision is made to secure to employees either a share of the profit, or sick and mortuary benefits, as well as annuities, after a certain period of employment, or after reaching a certain age, and report to the general court as soon as convenient such data and statistics as it may be able to obtain in this country as well as abroad, with such comments or suggestions as may be deemed advisable. The expenses of such investigation, which shall not exceed the sum of one thousand dollars, shall be paid from the treasury of the Commonwealth.

Approved April 22, 1898.

RECENT GOVERNMENT CONTRACTS.

[The Secretaries of the Treasury, War, and Navy Departments have consented to furnish statements of all contracts for constructions and repairs entered into by them. These, as received, will appear from time to time in the Bulletin.]

The following contracts have been made by the office of the Supervising Architect of the Treasury:

BROCKTON, MASS.—October 1, 1898. Contract with McIlvain, Unkefer Company, Pittsburg, Pa., for the construction of post-office, except heating apparatus and electric-wire conduits, \$42,353. Work to be completed within twelve months.

ST. ALBANS, VT.—October 10, 1898. Contract with Huey Brothers, Boston, Mass., for low-pressure, return-circulation, steam-heating and ventilating apparatus for custom-house and post-office, \$4,000. Work to be completed within sixty-five working days.

BOISE, IDAHO.—November 1, 1898. Contract with Finegan & Eastman for excavation, foundation, stone work of basement exterior walls, etc., for public building, \$8,243.95. Work to be completed within four months.

PHILADELPHIA, PA.—November 5, 1898. Contract with Chas. McCaul for superstructure (except interior finish) including certain piers, interior walls, etc., in basement, and constructive steel work of floors, roofs, etc., for new mint, \$441,743. Work to be completed within eighteen months.

INDEX OF LABOR LAWS PUBLISHED IN NOS. 1 TO 19 OF THE BULLETIN OF THE DEPARTMENT OF LABOR.

[In Vols. I and II (Nos. 1 to 7 and 8 to 13) of the Bulletin the laws relating to labor were indexed simply by States. In the index herewith presented there is included a subject-matter analysis not only of the labor laws contained in this volume but also of the laws found in Vols. I and II. This establishes for the Bulletin an indexing of these laws uniform with that used in the second edition of the Second Special Report of the Department (Labor Laws of the United States). This uniformity will be continued in future volumes of the Bulletin.]

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